

LEGISLATIVE ASSEMBLY OF ONTARIO

BILLS

AS INTRODUCED IN THE HOUSE

TOGETHER WITH

REPRINTS AND THIRD READINGS

SESSIONS

JULY 16th to JULY 20th

1945

and

MARCH 4th to APRIL 5th

1946

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No. 1

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

The School Law Amendment Act, 1945.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The power to make regulations of the type authorized is necessary for the efficient administration of *The Adolescent School Attendance Act*.

SECTION 2. In view of the increased grants to continuation schools it will be no longer necessary for such schools to receive a township grant and the township grant provisions are repealed accordingly.

SECTION 3. In view of the increased grants to continuation schools the limitation of county liability in respect of the cost of education of county pupils is removed.

SECTION 4. The general revision of section 4 of *The Department of Education Act* which authorizes the making of regulations for the various school Acts is necessary in view of the revision of the regulations which is in course of progress preparatory to the filing of the regulations under *The Regulations Act, 1944*.

No. 1

1945
(Second Session)

BILL

The School Law Amendment Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Adolescent School Attendance Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 368,
amended.

20. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations providing for the issuing of home permits and employment certificates.

Home
permits;
employment
certificates.

- 2.—(1) Subsection 6a of section 3 of *The Continuation Schools Act* as enacted by subsection 1 of section 3 of *The School Law Amendment Act, 1939*, and amended by subsection 1 of section 1 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 6a
(1939,
c. 44, s. 3,
subs. 1),
repealed.

- (2) Subsection 6b of the said section 3 as enacted by subsection 2 of section 1 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 6b
(1940, c. 24,
s. 1, subs. 2),
repealed.

- (3) Subsection 7 of the said section 3 is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 7,
repealed.

3. Subsection 3 of section 8 of *The Continuation Schools Act* as re-enacted by section 3 of *The School Law Amendment Act, 1941*, and amended by section 3 of *The School Law Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 359, s. 8,
subs. 3
(1941,
c. 52, s. 3),
repealed.

4. Section 4 of *The Department of Education Act* as amended by section 5 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 356, s. 4,
re-re-enacted.

- 4.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations with respect to schools or classes which are established under the provisions of *The Auxiliary Classes Act, The Continuation Schools Act, The Department of Education Act, The High Schools Act*,

Regulations.

 Rev. Stat.,
c. 358: 359,
356, 360,
357, 362,
369, 365.

The Public Schools Act, The Separate Schools Act, The Vocational Education Act or The Schools for the Deaf and Blind Act and all other schools supported in whole or in part by public money,—

- (a) for the establishment, administration and government thereof and the courses of study and examinations therein;
- (b) for the establishment and regulation of cadet corps, gardens and libraries therein;
- (c) prescribing the qualifications and governing the appointment of teachers, inspectors and other officials;
- (d) prescribing the accommodation and equipment of school buildings and the arrangement of school premises;
- (e) prescribing the form of contract which shall be used for every contract entered into between a board and a teacher for the services of the teacher;
- (f) prescribing the terms and conditions which shall be deemed to be part of every contract entered into between a board and a teacher for the services of the teacher whether or not such terms and conditions are actually set out in the contract;
- (g) providing for and governing the exchange of teachers between Ontario and other parts of Canada and the British Commonwealth of Nations;
- (h) authorizing text-books and books of reference for the use of pupils, teachers and teachers in training;
- (i) requiring boards to purchase books for the use of pupils in schools under the charge of such boards;
- (j) prescribing fees to be paid by candidates at examinations;
- (k) prescribing fees to be paid to presiding officers and examiners in connection with departmental examinations and by whom and in

what manner such fees and other expenses in connection with such examinations shall be borne and paid;

- (l) for conducting examinations and settling the results thereof;
 - (m) for granting diplomas and certificates of standing;
 - (n) for establishing scholarships and prescribing the rules which shall govern the awarding thereof and the terms and conditions to which such scholarships shall be subject;
 - (o) respecting the use of schools for purposes of observation and practice teaching by teachers in training;
 - (p) governing the granting of temporary, interim, special, permanent and other certificates of qualification and the suspension and cancellation thereof;
 - (q) recognizing qualifications and experience for the purpose of qualifying persons to teach;
 - (r) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health; and
 - (s) providing for the affiliation of collegiate institutes, high schools, public schools and separate schools with universities, normal schools and model schools.
- (2) Subject to the approval of the Lieutenant-Governor ^{Idem.} in Council, the Minister may make regulations,—
- (a) providing for a programme of adult education;
 - (b) providing for programmes of training in physical fitness and recreation;
 - (c) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes in-

cluding sums granted for programmes of adult education and of training in physical fitness and recreation, public and travelling libraries and the maintenance of historical, literary and scientific institutions; and

- (d) prescribing the conditions governing the payment of legislative grants.

Rev. Stat.,
c. 356, s. 5,
cl. f,
amended.

5.—(1) Clause *f* of section 5 of *The Department of Education Act* is amended by striking out the words “fifth classes” in the seventh line and inserting in lieu thereof the words “ninth and tenth grades”, so that the said clause shall now read as follows:

Apportion-
ment of
grant made
for certain
purposes.

- (f) subject to the regulations, to apportion out of any money appropriated for such purposes all sums payable under any statute or regulation towards the maintenance of faculties of education in any of the universities, the normal, model or other schools or institutes for the training of teachers, continuation schools and ninth and tenth grades, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, supervised and outdoor playgrounds, night schools, public libraries, travelling libraries, library schools including the expenses of students in attendance thereat, art schools, school libraries, art departments of schools, cadet corps, and for free text-books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes.

Rev. Stat.,
c. 356, s. 5,
amended.

(2) The said section 5 as amended by section 10 of *The School Law Amendment Act, 1942*, is further amended by adding thereto the following clause:

Courses o
study, etc.

- (t) subject to the regulations, to prescribe courses of study, subjects, time allotments for subjects, text-books and reference books for schools or classes established under *The Auxiliary Classes Act*, *The Continuation Schools Act*, *The Department of Education Act*, *The High Schools Act*, *The Public Schools Act*, *The Separate Schools Act*, *The Vocational Education Act* or *The Schools for the Deaf and Blind Act* and all other schools supported in whole or in part by public money.

Rev. Stat.,
cc. 358; 359;
356; 360;
357; 362;
369; 365.

SECTION 5.—Subsection 1. The amendment is to render the section in conformity with the present description of classes or forms under the new courses of study.

Subsection 2. This amendment is in line with the amendment to section 4 of *The Department of Education Act* effected by section 4 of this Bill and is in line with the scheme of regulations governing school matters.

SECTION 6. This amendment corrects the basis for calculating legislative and county grants where the Lieutenant-Governor in Council has ordered the closing of a school or any grade thereof for a specified period.

SECTION 7. The provisions of *The Regulations Act, 1944*, render this section unnecessary.

SECTION 8. "Perfect aggregate attendance" is defined in order that the county's share of the cost of education may be calculated on the basis of "perfect aggregate attendance" instead of on the basis of the total number of pupil-days' attendance.

SECTION 9. The short provision repealed is unnecessary.

SECTION 10. The amendment to subsection 1 of section 26 is to make this subsection subject to the provisions of section 47, which provides for the payment of the gross cost of education rather than the net cost after deducting legislative grants.

6. Section 8a of *The Department of Education Act*, as enacted by section 5 of *The School Law Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 356, s. 8a (1941, c. 52, s. 5), re-enacted.

8a.—(1) The Lieutenant-Governor in Council may order the closing of a school or any grade thereof for a specified period. Closing of school or grade.

(2) Where the Lieutenant-Governor in Council orders the closing of a school or any grade thereof for a specified period, such school or grade shall, for the purpose of calculating legislative grants and the cost of education of county and non-resident pupils, be deemed to have been open during such period with a perfect aggregate daily attendance. Calculation of grants.

7. Section 12 of *The Department of Education Act* is repealed. Rev. Stat., c. 356, s. 12, repealed.

8. Subsection 1 of section 1 of *The High Schools Act* is amended by adding thereto the following clause: Rev. Stat., c. 360, s. 1, subs. 1, amended.

(jj) "Perfect aggregate attendance" of pupils for a calendar year shall be calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of such pupils registered at the school during such calendar year and deducting therefrom the number of pupil-days' non-attendance caused by,— "Perfect aggregate attendance".

- (i) quarantines;
- (ii) observance of holy days;
- (iii) deaths;
- (iv) late registrations owing to transfer or age of pupils;
- (v) termination of registrations owing to transfer or age of pupils;
- (vi) expulsions; and
- (vii) exclusions.

9. Subsection 1 of section 8 of *The High Schools Act* is repealed. Rev. Stat., c. 360, s. 8, subs. 1, repealed.

10. Subsection 1 of section 26 of *The High Schools Act* as amended by section 9 of *The School Law Amendment Act, 1939*, is further amended by adding at the commencement Rev. Stat., c. 360, s. 26, subs. 1, amended.

thereof the words and figures, "Subject to the provisions of section 47", so that the said subsection shall now read as follows:

Providing
for scholars'
attendance
at other
schools.

- (1) Subject to the provisions of section 47, with the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute, continuation school or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Rev. Stat.,
c. 360, s. 36,
subs. 1,
cls. d, e,
re-enacted.

11. Clauses *d* and *e* of subsection 1 of section 36 of *The High Schools Act* are repealed and the following substituted therefor:

- (d) Fourthly, the perfect aggregate attendance of all pupils at the school for the preceding calendar year shall be divided into the net sum ascertained as provided in clause *c* and the resultant amount shall be the net cost per pupil-day of all such pupils;
- (e) Fifthly, the perfect aggregate attendance of all county pupils from the county at the school during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of such county pupils for which the council of the county shall be liable and pay as provided in section 35.

Rev. Stat.,
c. 360, s. 38,
subs. 1, cl. b,
amended.

12. Clause *b* of subsection 1 of section 38 of *The High Schools Act* is amended by striking out the word "days' " in the tenth line and inserting in lieu thereof the words "perfect aggregate" and by striking out the words "total days'" in the thirteenth line and inserting in lieu thereof the words "perfect aggregate", so that the said clause shall now read as follows:

- (b) The remaining fifty per centum thereof by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county and not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, and in which municipalities or portions of municipalities the county pupils or their parents or guardians reside, in the

SECTION 11. This amendment implements the principle of defining perfect aggregate attendance and using it as the basis for determining cost of education of county pupils.

SECTION 12. This amendment implements the principle of defining perfect aggregate attendance and using it as the basis for determining cost of education of county pupils.

SECTION 13. In view of the increased grants to high schools, the limitation of county liability in respect of cost of education of county pupils has been removed.

SECTION 14—Subsection 1. The amendment to subsection 1*a* of section 47 is to provide that a high school district sending a resident pupil to another district shall pay the gross cost of education rather than the net cost after deducting legislative grants.

Subsection 2. The addition of subsection 1*b* to section 47 is to allow the high school board sending the pupil to include the cost of his education when reporting for grant purposes, while the board receiving the fees must deduct them when claiming grant for the year in which they are received.

proportion that the perfect aggregate attendance during the preceding calendar year of the county pupils who reside or whose parents or guardians reside in each of such municipalities or portions of municipalities, bears to the perfect aggregate attendance during such year of all county pupils the cost of whose education is to be paid by the council of the county.

13. Section 39 of *The High Schools Act* as re-enacted by section 10 of *The School Law Amendment Act, 1941*, and amended by section 8 of *The School Law Amendment Act, 1943*, is repealed. Rev. Stat., c. 360, s. 39 (1941), repealed.

14.—(1) Subsection 1a of section 47 of *The High Schools Act* as enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, and amended by section 11 of *The School Law Amendment Act, 1941*, is further amended by adding thereto the words "except that legislative grants shall not be deducted as provided in clause c of subsection 1 thereof", so that the said subsection shall now read as follows: Rev. Stat., c. 360, s. 47, subs. 1a (1938, c. 35, s. 24, subs. 1), amended.

(1a) If a pupil who resides or whose parent or guardian resides in a grade A or grade B continuation school section or a high school district attends any high school situated in a high school district within the county, or a high school in a city or separated town or adjacent county which is open to county pupils from the county in which he resides because such high school,— When fees may be charged.

- (i) is reasonably accessible to such pupil while the grade A or grade B continuation school or high school in the section or district in which he resides is not thus accessible; or
- (ii) provides for such pupil a course of study which is not offered in the school in his own section or district,

the board of the continuation school section or high school district in which such pupil or his parent or guardian resides shall pay fees to the board of the high school district where such pupil attends school and the amount of such fees shall be calculated in accordance with the provisions of section 36, except that legislative grants shall not be deducted as provided in clause c of subsection 1 thereof.

(2) The said section 47 is further amended by adding thereto the following subsection: Rev. Stat., c. 360, s. 47, amended.

Calculation
of grants.

- (1b) The fees paid in any year under subsection 1a for the preceding calendar year shall be included in the cost of operating the school conducted by the board paying such fees and shall be deducted by the board providing the instruction from the cost of operating the school attended by such pupils before reporting such cost as a basis for the payment of legislative grants.

Rev. Stat.,
c. 360, s. 53,
subs. 3,
amended.

15. Subsection 3 of section 53 of *The High Schools Act* is amended by striking out the word "members" in the second line and inserting in lieu thereof the word "examiners", so that the said subsection shall now read as follows:

Additional
examiners.

- (3) Subject to the regulations, every board of examiners shall in each year appoint such additional examiners as may be required.

Rev. Stat.,
c. 360, s. 60,
re-enacted.

16.—(1) Section 60 of *The High Schools Act* is repealed and the following substituted therefor:

Text-books.

- (1) A teacher shall not use or permit to be used as a text-book in a high school any book which is not authorized by the regulations or prescribed by the Minister, and the Minister, upon the report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized or unprescribed book is so used.

Change of
text-books.

- (2) Subject to the written approval of the board, any authorized or prescribed text-book which is in actual use in a high school may be changed by the teacher for any other authorized or prescribed text-book on the same subject.

Rev. Stat.,
c. 360, s. 66,
re-enacted.

17. Section 66 of *The High Schools Act* is repealed and the following substituted therefor:

Substitution
of unauthor-
ized text-
books.

66. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion.

Rev. Stat.,
c. 357, s. 21,
subs. 19,
amended.

18. Subsection 19 of section 21 of *The Public Schools Act* is amended by striking out the words and figures "and of the

SECTION 15. The amendment clarifies the subsection.

SECTION 16. The language is brought into line with the system of prescribing text-books.

SECTION 17. The language is brought into line with other provisions.

SECTION 18. This amendment is complementary to the repeal of section 111 of *The Public Schools Act*.

SECTION 19. The language is rendered consistent with other provisions.

SECTION 20. The language is brought into line with other provisions.

SECTION 21. Section 111 provides for county grants. Under the new scheme of legislative grants all rural boards receive from the province fifty per centum or more of the expenditures on accommodations and equipment and on fifth classes, and section 111 is repealed.

SECTION 22. Township grants hereafter shall not be made unless the teacher receives a salary of not less than \$1,200. The present minimum is \$1,000.

county grant provided for in section 111" in the second and third lines, so that the said subsection shall now read as follows:

- (19) For the purposes of the legislative grant for public and separate school purposes, every consolidated school shall be deemed to be a rural school. When consolidated school to be deemed rural school.

19. Clause *d* of section 103 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 103, cl. d, re-enacted.

- (*d*) to classify the pupils according to the courses of study prescribed, to conduct the school in accordance with a time-table which shall be accessible to pupils and visitors, to prevent the use by pupils of text-books which are not authorized by the regulations or prescribed by the Minister, to attend regularly the teachers' institutes in the inspectorate, to notify the board and the inspector of his absence from school and the reason therefor, and, subject to revision by the inspector, to make at the end of each school term such promotions from one grade to another as he may deem expedient. Classification of scholars and conduct of classes.

20. Section 105 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 105, re-enacted.

105. Subject to the written approval of the board, any text-book authorized by the regulations or prescribed by the Minister which is in actual use in a public school may be changed by the teacher for any other authorized or prescribed text-book on the same subject. Change of text-book.

21. Section 111 of *The Public Schools Act* as amended by section 32 of *The School Law Amendment Act, 1938*, and section 17 of *The School Law Amendment Act, 1941*, is repealed. Rev. Stat., c. 357, s. 111, repealed.

22. Subsection 3 of section 112 of *The Public Schools Act* as amended by section 18 of *The School Law Amendment Act, 1941*, section 13 of *The School Law Amendment Act, 1943*, and section 15 of *The School Law Amendment Act, 1944*, is further amended by striking out the symbol and figures "\$1,000" in the fifth line and inserting in lieu thereof the symbol and figures "\$1,200", so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 112, subs. 3, amended.

- (3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$1,200. Application of township grant.

Rev. Stat., c. 357, s. 121, subs. 3, repealed. **23.** Subsection 3 of section 121 of *The Public Schools Act* is repealed.

Rev. Stat., c. 357, s. 133, re-enacted. **24.** Section 133 of *The Public Schools Act* is repealed and the following substituted therefor:

Use of unauthorized text-books.

133. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book, or any less sum in its discretion.

Rev. Stat., c. 367, s. 20, re-enacted. **25.** Section 20 of *The School Attendance Act* is repealed and the following substituted therefor:

Regulations.

20. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the powers and duties of every body charged under this Act with the appointment of a school attendance officer;
- (b) prescribing the duties and qualifications of the provincial school attendance officer and of school attendance officers, inspectors and other officers acting under this Act;
- (c) respecting the notices to be given and the returns to be made under this Act and the time and manner of giving or making such notices and returns;
- (d) prescribing the forms to be used under this Act; and
- (e) generally for the better carrying out of the provisions of this Act.

Rev. Stat., c. 362, s. 49, re-enacted. **26.** Section 49 of *The Separate Schools Act* is repealed and the following substituted therefor:

Change of text-books.

49. Subject to the written approval of the board, any text-book authorized by the regulations or prescribed by the Minister of Education which is in actual use in a separate school may be changed by the teacher for any other authorized or prescribed text-book on the same subject.

SECTION 23. The subsection repealed reads:

- (3) Out of such moneys as may be appropriated for that purpose the Treasurer of Ontario shall annually in the month of December pay to the board of a city inspectorate the sum of \$6 for every teacher occupying a separate room with a separate register, and the amount so paid shall be applied towards the payment of the salary of the inspector.

Under the new scheme of legislative grants this grant is no longer required.

SECTION 24. The language of section 133 is rendered consistent with other provisions.

SECTION 25. The opening words of the section are brought into line with corresponding provisions of other Acts administered by the Department of Education and clause *a*, which is a new provision, is enacted in order to authorize the making of regulations which are essential to the proper administration of *The School Attendance Act*.

SECTION 26. The language is rendered consistent with other provisions.

SECTION 27. The section repealed corresponds to section 111 of *The Public Schools Act* which is repealed by this Bill. The repeal of the section discontinues county grants on accommodations and equipment and on behalf of fifth classes.

SECTION 28. The amendment renders the language of section 94 consistent with other provisions.

SECTION 29—Subsection 1. The effect of the amendment is to require teachers and inspectors who are contributors to the Teachers' and Inspectors' Superannuation Fund to contribute four per centum, instead of three and one-half per centum, of their salaries to the Fund. The Treasurer of Ontario contributes an equal amount.

Subsection 2. Contributions to the Teachers' and Inspectors' Superannuation Fund will be calculated upon a minimum salary basis of \$800 instead of \$550, per annum.

SECTION 30—Subsection 1. The changes involved in the re-enactment of the subsection are in the opening words and in clauses *d* and *e* and *h*. The re-casting of the opening seven lines reduces the minimum employment requirements for a maximum pension from forty to thirty-six years providing the applicant is sixty-five years of age in the case of a male and sixty-two years of age in the case of a female.

The revision of clause *d* guarantees a minimum pension in the amounts indicated. By re-enacting clause *e* the provision prescribing a maximum annual allowance of \$1,000 with certain qualifications is replaced by one prescribing a maximum annual allowance of \$1,500 without any exceptions. The provisions of clause *h* which provide outside maximums governing annual allowances are replaced by a clause which ensures that a teacher or inspector who would be entitled to a larger annual allowance under the present provisions of the Act than under the provisions of the Act as amended by this Bill, will receive the larger allowance if he retires before September 1st, 1955.

27. Section 74 of *The Separate Schools Act* is repealed.

Rev. Stat.,
c. 362, s. 74,
repealed.

28. Section 94 of *The Separate Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 362, s. 94,
re-enacted.

94. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister of Education to be used as a text-book by the pupils of his school, the Minister of Education, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion.

Use of
unauthorized
books.

29. Subsection 1 of section 4 of *The Teachers' and Inspectors' Superannuation Act* as amended by section 1 of *The School Law Amendment Act, 1940*, is further amended by striking out the words "three and one-half" in the third line and inserting in lieu thereof the word "four", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 366, s. 4,
subs. 1,
amended.

- (1) Every teacher and inspector employed in Ontario shall contribute to the fund four per centum of his salary in such manner as may be prescribed by the regulations.

Contribu-
tions by
teachers and
inspectors.

(2) Subsection 3 of the said section 4 is amended by striking out the symbol and figures "\$550" where they occur the first time in the second line and inserting in lieu thereof the symbol and figures "\$800", and by striking out the symbol, figures and words "\$550 for the purposes of this Act" in the second and third lines and inserting in lieu thereof the symbol, figures and words "\$800 for the purpose of calculating a teacher's annual contribution", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 366, s. 4,
subs. 3,
amended.

- (3) If the salary of any teacher or inspector for any year is less than \$800 it shall be taken as being \$800 for the purpose of calculating a teacher's annual contribution.

Salary to
be estimated
at not less
than \$800.

30.—(1) Subsection 1 of section 6 of *The Teachers' and Inspectors' Superannuation Act* as amended by section 2 of *The School Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 6,
subs. 1,
re-enacted.

- (1) Every teacher and every inspector who has been employed for at least thirty-six years and who, if a male, is at least sixty-five years of age or, if a female, is at least sixty-two years of age who applies to the Minister for the annual allowance provided for by this Act and who has retired from the profession

Annual
allowance
on retire-
ment.

and ceased to be so employed and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the fund equal to one-sixtieth of his average salary for the full number of years during which he has made contributions to the fund, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the fund, but,—

- (a) the years during which he has contributed to the fund shall count as full years of employment;
- (b) the years of employment completed prior to the 1st day of April, 1917, shall count each as a half year of employment;
- (c) contributions to any municipal or school board fund made prior to the 1st day of April, 1917, and paid over to the fund shall be considered as contributions to the fund;
- (d) if the average salary for the full number of years during which he has made contributions to the fund exceeds \$800, the minimum annual allowance shall be \$500, but if less than \$800, the minimum annual allowance shall be sixty per centum of the average salary;
- (e) if the amount of such annual payment as above computed is more than \$1,500, the amount of the annual payment shall be \$1,500, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,500 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity;
- (f) a teacher or inspector who has contributed to the fund mentioned in sections 125 to 127 of *The Public Schools Act*, and who has become subject to this Act under section 15 shall be entitled to receive in addition to any allowance under this section, an annual allowance equal to an annuity which might have been purchased by him at Dominion Government



Subsection 2. Subsection 2 of section 6 is re-cast for clarification. The new subsection *2a* provides that a teacher who has been employed for forty years will not be subject to a deduction in pension by reason only of the fact that he has not reached the age prescribed in subsection 1 of section 6.

SECTION 31. The option of a joint annuity is dropped. The type of annuity available to a teacher or inspector is indicated in the section.

rates with the sums so contributed, but the total amount payable to him shall not exceed the maximum provided for in clause e;

- (g) should a teacher or an inspector after retirement again become employed the allowance shall cease during the term of such employment, but may be resumed upon his again ceasing to be employed, and the period during which he has been so employed shall be allowed for in fixing the amount of his annual allowance on retirement.

(2) Subsection 2 of the said section 6 as amended by sub-
section 3 of section 2 of *The School Law Amendment Act, 1940*,
is repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 6,
subs. 2,
re-enacted.

- (2) An annual allowance shall be paid to a teacher or inspector who retires after thirty years' service before he is entitled to a pension under subsection 1, 4 or 5 and shall be computed in the same manner as a pension under subsection 1 subject to such reductions as may be prescribed by the regulations having regard to the length of service and age of the teacher or inspector.

Retirement
after thirty
years'
service.

- (2a) In the case of a teacher or inspector who has been employed for at least forty years, the annual allowance payable under subsection 1 shall not be subject to reduction by reason of the fact that the teacher or inspector, if a male, is not yet sixty-five years of age, or if a female, is not yet sixty-two years of age.

Retirement
after thirty
years'
service.

31. Subsections 1 and 2 of section 7 of *The Teachers' and Inspectors' Superannuation Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 7,
subs. 1,
re-enacted;
subs. 2
repealed.

- (1) Subject to the regulations, a teacher or inspector may in writing signed by him and deposited with the Commission at least two years prior to his retirement from the profession direct that the annual allowance to which he would be entitled shall be converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate,—

Annuities.

- (a) in the case of a married teacher or inspector to his surviving spouse; and
- (b) in the case of any other teacher or inspector, to any dependent named in any such direction.

Rev. Stat.,
c. 366, s. 17,
amended. **32.**—(1) Section 17 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following clause:

(ff) governing the reductions to annual allowances under subsection 2 of section 6 having regard to length of service and age.

Rev. Stat.,
c. 366, s. 17,
cls. gg, ggg
(1944,
c. 56, s. 21),
re-enacted. (2) Clauses gg and ggg of the said section 17, as enacted by section 21 of *The School Law Amendment Act, 1944*, are repealed and the following substituted therefor:

Services
in another
province.

(gg) prescribing the conditions under which credit may be given under the Act for services performed as a teacher or inspector in another province of Canada or in any other part of the British Commonwealth of Nations where such a teacher or inspector is subsequently employed in Ontario and prescribing the amount of such credit;

Transfer
of contri-
butions
to other
province.

(ggg) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a former Ontario teacher or inspector who has become a teacher or inspector in such other province or part of the British Commonwealth of Nations.

Rev. Stat.,
c. 369, s. 1,
cl. b,
re-enacted;
cl. bb
(1938,
c. 35, s. 37),
repealed. **33.**—(1) Clause b of section 1 of *The Vocational Education Act* and clause bb of the said section 1 as enacted by section 37 of *The School Law Amendment Act, 1938*, are repealed and the following substituted therefor:

"County
pupils".

(b) "County pupils" shall mean pupils,—

(i) who reside with their parents or guardians; or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district in which a vocational school is established and maintained.

Rev. Stat.,
c. 369, s. 1,
amended. (2) The said section 1 is further amended by adding thereto the following clause:

SECTION 32—Subsection 1. Clause *ff* is complementary to subsection 2 of section 6 of *The Teachers' and Inspectors' Superannuation Act* as re-enacted by subsection 2 of section 30 of this Bill.

Subsection 2. The clauses which were enacted in the regulation section of *The Teachers' and Inspectors' Superannuation Act* in 1944 in order to permit reciprocal arrangements to be made with authorities in other jurisdictions for the transfer of superannuation fund credits where a teacher moves from or to Ontario to or from the other jurisdiction, are found to be impracticable because of the absence of a fund in some jurisdictions, unsound actuarial practices in some jurisdictions and other circumstances of a similar nature. The new provisions, which are wider in their scope, will permit the making of suitable arrangements.

SECTION 33—Subsection 1. The definition of "county pupils" is simplified and the principle thereof corrected so as to avoid duplication of contributions to vocational school costs in the case of any municipality.

Subsection (2). "Perfect aggregate attendance" is defined in keeping with the practice introduced into *The High Schools Act* by this Bill.

SECTION 34. The revision of clauses *a* and *b* is consistent with the recasting of the definition of "county pupils" and the purpose of the amendment is to clarify the provision.

(cc) "Perfect aggregate attendance" of pupils for a "Perfect aggregate attendance".
 calendar year shall be calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of such pupils registered at the school during such calendar year and deducting therefrom the number of pupil-days' non-attendance caused by,—

- (i) quarantines;
- (ii) observance of holy days;
- (iii) deaths;
- (iv) late registration owing to transfer or age of pupils;
- (v) termination of registrations owing to transfer or age of pupils;
- (vi) expulsions; and
- (vii) exclusions.

34. Clauses *a* and *b* of subsection 3 of section 13 of *The Vocational Education Act* are repealed and the following substituted therefor:

Rev. Stat.,
 c. 369, s. 13,
 subs. 3,
 cls. *a*, *b*,
 re-enacted.

- (a) fifty per centum of the said cost by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities comprising that part of the county which is not within the limits of a high school or grade A or grade B continuation school district in which a vocational school is established and maintained; and
- (b) the remaining fifty per centum thereof by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district in which a vocational school is established or maintained and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

Rev. Stat.,
c. 369, s. 20,
repealed.

35. Section 20 of *The Vocational Education Act* is repealed.

Commence-
ment of Act.

36.—(1) This Act shall come into force on the day upon which it receives the Royal Assent.

(2) Sections 2, 3, 6, 8, 10, 11, 12, 13, 14, 18, 21, 23, 27, 33 and 34 shall have effect on and after the 1st day of January, 1945.

(3) Section 29 shall have effect on and after the 31st day of August, 1945.

(4) Sections 30 and 32 shall have effect on and after the 30th day of June, 1945.

Short title.

37. This Act may be cited as *The School Law Amendment Act, 1945*.

SECTION 35. The section repealed relates to the making of regulations and will hereafter be taken care of under *The Department of Education Act*.

BILL

The School Law Amendment Act, 1945.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. DREW

1945

(Second Session)

No. 1

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

The School Law Amendment Act, 1945.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 1

1945
(Second Session)

BILL

The School Law Amendment Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Adolescent School Attendance Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 368,
amended.

20. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations providing for the issuing of home permits and employment certificates.

Home
permits;
employment
certificates.

- 2.—(1) Subsection 6a of section 3 of *The Continuation Schools Act* as enacted by subsection 1 of section 3 of *The School Law Amendment Act, 1939*, and amended by subsection 1 of section 1 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 6a
(1939,
c. 44, s. 3,
subs. 1),
repealed.

- (2) Subsection 6b of the said section 3 as enacted by subsection 2 of section 1 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 6b
(1940, c. 24,
s. 1, subs. 2),
repealed.

- (3) Subsection 7 of the said section 3 is repealed.

Rev. Stat.,
c. 359, s. 3,
subs. 7,
repealed.

3. Subsection 3 of section 8 of *The Continuation Schools Act* as re-enacted by section 3 of *The School Law Amendment Act, 1941*, and amended by section 3 of *The School Law Amendment Act, 1943*, is repealed.

Rev. Stat.,
c. 359, s. 8,
subs. 3
(1941,
c. 52, s. 3),
repealed.

4. Section 4 of *The Department of Education Act* as amended by section 5 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 356, s. 4,
re-enacted.

- 4.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations with respect to schools or classes which are established under the provisions of *The Auxiliary Classes Act*, *The Continuation Schools Act*, *The Department of Education Act*, *The High Schools Act*,

Regulations.

 Rev. Stat.,
cc. 358; 359,
356, 360,
357, 362,
369, 365.

The Public Schools Act, The Separate Schools Act, The Vocational Education Act or The Schools for the Deaf and Blind Act and all other schools supported in whole or in part by public money,—

- (a) for the establishment, administration and government thereof and the courses of study and examinations therein;
- (b) for the establishment and regulation of cadet corps, gardens and libraries therein;
- (c) prescribing the qualifications and governing the appointment of teachers, inspectors and other officials;
- (d) prescribing the accommodation and equipment of school buildings and the arrangement of school premises;
- (e) prescribing the form of contract which shall be used for every contract entered into between a board and a teacher for the services of the teacher;
- (f) prescribing the terms and conditions which shall be deemed to be part of every contract entered into between a board and a teacher for the services of the teacher whether or not such terms and conditions are actually set out in the contract;
- (g) providing for and governing the exchange of teachers between Ontario and other parts of Canada and the British Commonwealth of Nations;
- (h) authorizing text-books and books of reference for the use of pupils, teachers and teachers in training;
- (i) requiring boards to purchase books for the use of pupils in schools under the charge of such boards;
- (j) prescribing fees to be paid by candidates at examinations;
- (k) prescribing fees to be paid to presiding officers and examiners in connection with departmental examinations and by whom and in

what manner such fees and other expenses in connection with such examinations shall be borne and paid;

- (l) for conducting examinations and settling the results thereof;
 - (m) for granting diplomas and certificates of standing;
 - (n) for establishing scholarships and prescribing the rules which shall govern the awarding thereof and the terms and conditions to which such scholarships shall be subject;
 - (o) respecting the use of schools for purposes of observation and practice teaching by teachers in training;
 - (p) governing the granting of temporary, interim, special, permanent and other certificates of qualification and the suspension and cancellation thereof;
 - (q) recognizing qualifications and experience for the purpose of qualifying persons to teach;
 - (r) for the medical and dental inspection of pupils in public and separate schools where provision for such inspection was inaugurated by the boards of such schools prior to the 31st day of July, 1924, provided the regulations therefor are first approved by the Minister of Health; and
 - (s) providing for the affiliation of collegiate institutes, high schools, public schools and separate schools with universities, normal schools and model schools.
- (2) Subject to the approval of the Lieutenant-Governor ^{idem.} in Council, the Minister may make regulations,—
- (a) providing for a programme of adult education;
 - (b) providing for programmes of training in physical fitness and recreation;
 - (c) providing for the apportionment and distribution of all money appropriated or raised by this Legislature for educational purposes in-

cluding sums granted for programmes of adult education and of training in physical fitness and recreation, public and travelling libraries and the maintenance of historical, literary and scientific institutions; and

- (d) prescribing the conditions governing the payment of legislative grants.

Rev. Stat.,
c. 356, s. 5,
cl. f,
amended.

5.—(1) Clause f of section 5 of *The Department of Education Act* is amended by striking out the words "fifth classes" in the seventh line and inserting in lieu thereof the words "ninth and tenth grades", so that the said clause shall now read as follows:

Apportion-
ment of
grant made
for certain
purposes.

- (f) subject to the regulations, to apportion out of any money appropriated for such purposes all sums payable under any statute or regulation towards the maintenance of faculties of education in any of the universities, the normal, model or other schools or institutes for the training of teachers, continuation schools and ninth and tenth grades, consolidated schools, technical schools, manual training, household science and agricultural departments, school gardens, kindergartens, supervised and outdoor playgrounds, night schools, public libraries, travelling libraries, library schools including the expenses of students in attendance thereat, art schools, school libraries, art departments of schools, cadet corps, and for free text-books, inspection of schools, and the examination of teachers, and to apportion and distribute any other special sums that may from time to time be appropriated for educational purposes.

Rev. Stat.,
c. 356, s. 5,
amended.

(2) The said section 5 as amended by section 10 of *The School Law Amendment Act, 1942*, is further amended by adding thereto the following clause:

Courses of
study, etc.

- (t) subject to the regulations, to prescribe courses of study, subjects, time allotments for subjects, text-books and reference books for schools or classes established under *The Auxiliary Classes Act*, *The Continuation Schools Act*, *The Department of Education Act*, *The High Schools Act*, *The Public Schools Act*, *The Separate Schools Act*, *The Vocational Education Act* or *The Schools for the Deaf and Blind Act* and all other schools supported in whole or in part by public money.

Rev. Stat.,
cc. 358; 359;
356; 360;
357; 362;
369; 365.

6. Section 8a of *The Department of Education Act*, as enacted by section 5 of *The School Law Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 356, s. 8a (1941, c. 52, s. 5), re-enacted.

8a.—(1) The Lieutenant-Governor in Council may order the closing of a school or any grade thereof for a specified period. Closing of school or grade.

(2) Where the Lieutenant-Governor in Council orders the closing of a school or any grade thereof for a specified period, such school or grade shall, for the purpose of calculating legislative grants and the cost of education of county and non-resident pupils, be deemed to have been open during such period with a perfect aggregate daily attendance. Calculation of grants.

7. Section 12 of *The Department of Education Act* is repealed. Rev. Stat., c. 356, s. 12, repealed.

8. Subsection 1 of section 1 of *The High Schools Act* is amended by adding thereto the following clause: Rev. Stat., c. 360, s. 1, subs. 1, amended.

(jj) "Perfect aggregate attendance" of pupils for a calendar year shall be calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of such pupils registered at the school during such calendar year and deducting therefrom the number of pupil-days' non-attendance caused by,— "Perfect aggregate attendance".

(i) quarantines;

(ii) observance of holy days;

(iii) deaths;

(iv) late registrations owing to transfer or age of pupils;

(v) termination of registrations owing to transfer or age of pupils;

(vi) expulsions; and

(vii) exclusions.

9. Subsection 1 of section 8 of *The High Schools Act* is repealed. Rev. Stat., c. 360, s. 8, subs. 1, repealed.

10. Subsection 1 of section 26 of *The High Schools Act* as amended by section 9 of *The School Law Amendment Act, 1939*, is further amended by adding at the commencement Rev. Stat., c. 360, s. 26, subs. 1, amended.

thereof the words and figures, "Subject to the provisions of section 47", so that the said subsection shall now read as follows:

Providing
for scholars'
attendance
at other
schools.

- (1) Subject to the provisions of section 47, with the approval of the Minister, the board may arrange for the instruction at a high school, collegiate institute, continuation school or vocational school in any other high school district in Ontario, of pupils who desire to take high or vocational school courses which are not provided by the board, and who are the children of ratepayers in the high school district for which the board is appointed, and may pay the fees and transportation expenses of such pupils while attending such courses.

Rev. Stat.,
c. 360, s. 36,
subs. 1,
cls. d, e,
re-enacted.

11. Clauses *d* and *e* of subsection 1 of section 36 of *The High Schools Act* are repealed and the following substituted therefor:

- (d) Fourthly, the perfect aggregate attendance of all pupils at the school for the preceding calendar year shall be divided into the net sum ascertained as provided in clause *c* and the resultant amount shall be the net cost per pupil-day of all such pupils;
- (e) Fifthly, the perfect aggregate attendance of all county pupils from the county at the school during the same calendar year shall be multiplied by the amount of the net cost per pupil-day ascertained as provided in clause *d*, and the resultant sum shall be the amount of the net cost of education of such county pupils for which the council of the county shall be liable and pay as provided in section 35.

Rev. Stat.,
c. 360, s. 38,
subs. 1, cl. b,
amended.

12. Clause *b* of subsection 1 of section 38 of *The High Schools Act* is amended by striking out the word "days" in the tenth line and inserting in lieu thereof the words "perfect aggregate" and by striking out the words "total days" in the thirteenth line and inserting in lieu thereof the words "perfect aggregate", so that the said clause shall now read as follows:

- (b) The remaining fifty per centum thereof by a levy upon and against the whole rateable property in the municipalities or portions of municipalities forming part of the county and not included in any high school district or continuation school section in which a grade A or a grade B continuation school is established and maintained, and in which municipalities or portions of municipalities the county pupils or their parents or guardians reside, in the

proportion that the perfect aggregate attendance during the preceding calendar year of the county pupils who reside or whose parents or guardians reside in each of such municipalities or portions of municipalities, bears to the perfect aggregate attendance during such year of all county pupils the cost of whose education is to be paid by the council of the county.

13. Section 39 of *The High Schools Act* as re-enacted by Rev. Stat., c. 360, s. 39, section 10 of *The School Law Amendment Act, 1941*, and (1941, c. 52, s. 10), amended by section 8 of *The School Law Amendment Act, 1943*, is repealed.

14.—(1) Subsection 1a of section 47 of *The High Schools Act* as enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, and amended by section 11 of *The School Law Amendment Act, 1941*, is further amended by adding thereto the words "except that legislative grants shall not be deducted as provided in clause c of subsection 1 thereof", so that the said subsection shall now read as follows:

(1a) If a pupil who resides or whose parent or guardian resides in a grade A or grade B continuation school section or a high school district attends any high school situated in a high school district within the county, or a high school in a city or separated town or adjacent county which is open to county pupils from the county in which he resides because such high school,—

- (i) is reasonably accessible to such pupil while the grade A or grade B continuation school or high school in the section or district in which he resides is not thus accessible; or
- (ii) provides for such pupil a course of study which is not offered in the school in his own section or district,

the board of the continuation school section or high school district in which such pupil or his parent or guardian resides shall pay fees to the board of the high school district where such pupil attends school and the amount of such fees shall be calculated in accordance with the provisions of section 36, except that legislative grants shall not be deducted as provided in clause c of subsection 1 thereof.

(2) The said section 47 is further amended by adding thereto the following subsection:

Calculation
of grants.

- (1b) The fees paid in any year under subsection 1a for the preceding calendar year shall be included in the cost of operating the school conducted by the board paying such fees and shall be deducted by the board providing the instruction from the cost of operating the school attended by such pupils before reporting such cost as a basis for the payment of legislative grants.

Rev. Stat.,
c. 360, s. 53,
subs. 3,
amended.

15. Subsection 3 of section 53 of *The High Schools Act* is amended by striking out the word "members" in the second line and inserting in lieu thereof the word "examiners", so that the said subsection shall now read as follows:

Additional
examiners.

- (3) Subject to the regulations, every board of examiners shall in each year appoint such additional examiners as may be required.

Rev. Stat.,
c. 360, s. 60,
re-enacted.

16.—(1) Section 60 of *The High Schools Act* is repealed and the following substituted therefor:

Text-books.

- (1) A teacher shall not use or permit to be used as a text-book in a high school any book which is not authorized by the regulations or prescribed by the Minister, and the Minister, upon the report of the inspector, may withhold the whole or any part of the legislative grant in respect of any high school in which any unauthorized or unprescribed book is so used.

Change of
text-books.

- (2) Subject to the written approval of the board, any authorized or prescribed text-book which is in actual use in a high school may be changed by the teacher for any other authorized or prescribed text-book on the same subject.

Rev. Stat.,
c. 360, s. 66,
re-enacted.

17. Section 66 of *The High Schools Act* is repealed and the following substituted therefor:

Substitution
of unauthor-
ized text-
books.

66. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of such use or any less sum at its discretion.

Rev. Stat.,
c. 357, s. 21,
subs. 19,
amended.

18. Subsection 19 of section 21 of *The Public Schools Act* is amended by striking out the words and figures "and of the

county grant provided for in section 111" in the second and third lines, so that the said subsection shall now read as follows:

- (19) For the purposes of the legislative grant for public and separate school purposes, every consolidated school shall be deemed to be a rural school. When consolidated school to be deemed rural school.

19. Clause *d* of section 103 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 103, cl. d, re-enacted.

- (*d*) to classify the pupils according to the courses of study prescribed, to conduct the school in accordance with a time-table which shall be accessible to pupils and visitors, to prevent the use by pupils of text-books which are not authorized by the regulations or prescribed by the Minister, to attend regularly the teachers' institutes in the inspectorate, to notify the board and the inspector of his absence from school and the reason therefor, and, subject to revision by the inspector, to make at the end of each school term such promotions from one grade to another as he may deem expedient. Classification of scholars and conduct of classes.

20. Section 105 of *The Public Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 105, re-enacted.

105. Subject to the written approval of the board, any text-book authorized by the regulations or prescribed by the Minister which is in actual use in a public school may be changed by the teacher for any other authorized or prescribed text-book on the same subject. Change of text-book.

21. Section 111 of *The Public Schools Act* as amended by section 32 of *The School Law Amendment Act, 1938*, and section 17 of *The School Law Amendment Act, 1941*, is repealed. Rev. Stat., c. 357, s. 111, repealed.

22. Subsection 3 of section 112 of *The Public Schools Act* as amended by section 18 of *The School Law Amendment Act, 1941*, section 13 of *The School Law Amendment Act, 1943*, and section 15 of *The School Law Amendment Act, 1944*, is further amended by striking out the symbol and figures "\$1,000" in the fifth line and inserting in lieu thereof the symbol and figures "\$1,200", so that the said subsection shall now read as follows: Rev. Stat., c. 357, s. 112, subs. 3, amended.

- (3) The sums so levied and collected shall be applied exclusively to teachers' salaries, and payment of sums to boards under this section shall not be made unless the salary of the teacher for the year, in each case, is at least \$1,200. Application of township grant.

Rev. Stat.,
c. 357, s. 121,
subs. 3,
repealed. **23.** Subsection 3 of section 121 of *The Public Schools Act* is repealed.

Rev. Stat.,
c. 367, s. 133,
re-enacted. **24.** Section 133 of *The Public Schools Act* is repealed and the following substituted therefor:

Use of
unauthorized
text-books. **133.** Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister to be used as a text-book by the pupils of his school, the Minister, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book, or any less sum in its discretion.

Rev. Stat.,
c. 367, s. 20,
re-enacted. **25.** Section 20 of *The School Attendance Act* is repealed and the following substituted therefor:

Regulations. **20.** Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the powers and duties of every body charged under this Act with the appointment of a school attendance officer;
- (b) prescribing the duties and qualifications of the provincial school attendance officer and of school attendance officers, inspectors and other officers acting under this Act;
- (c) respecting the notices to be given and the returns to be made under this Act and the time and manner of giving or making such notices and returns;
- (d) prescribing the forms to be used under this Act; and
- (e) generally for the better carrying out of the provisions of this Act.

Rev. Stat.,
c. 362, s. 49,
re-enacted. **26.** Section 49 of *The Separate Schools Act* is repealed and the following substituted therefor:

Change of
text-books. **49.** Subject to the written approval of the board, any text-book authorized by the regulations or prescribed by the Minister of Education which is in actual use in a separate school may be changed by the teacher for any other authorized or prescribed text-book on the same subject.

27. Section 74 of *The Separate Schools Act* is repealed.

Rev. Stat.,
c. 362, s. 74,
repealed.

28. Section 94 of *The Separate Schools Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 362, s. 94,
re-enacted.

94. Where a teacher negligently or wilfully permits a book which is not authorized by the regulations or prescribed by the Minister of Education to be used as a text-book by the pupils of his school, the Minister of Education, on the report of the inspector, may suspend such teacher, and the board may also deduct from his salary a sum equal to so much of the legislative grant as has been withheld on account of the use of such book or any less sum at its discretion.

Use of
unauthorized
books.

29. Subsection 1 of section 4 of *The Teachers' and Inspectors' Superannuation Act* as amended by section 1 of *The School Law Amendment Act, 1940*, is further amended by striking out the words "three and one-half" in the third line and inserting in lieu thereof the word "four", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 366, s. 4,
subs. 1,
amended.

(1) Every teacher and inspector employed in Ontario shall contribute to the fund four per centum of his salary in such manner as may be prescribed by the regulations.

Contributions by
teachers and
inspectors.

(2) Subsection 3 of the said section 4 is amended by striking out the symbol and figures "\$550" where they occur the first time in the second line and inserting in lieu thereof the symbol and figures "\$800", and by striking out the symbol, figures and words "\$550 for the purposes of this Act" in the second and third lines and inserting in lieu thereof the symbol, figures and words "\$800 for the purpose of calculating a teacher's annual contribution", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 366, s. 4,
subs. 3,
amended.

(3) If the salary of any teacher or inspector for any year is less than \$800 it shall be taken as being \$800 for the purpose of calculating a teacher's annual contribution.

Salary to
be estimated
at not less
than \$800.

30.—(1) Subsection 1 of section 6 of *The Teachers' and Inspectors' Superannuation Act* as amended by section 2 of *The School Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 6,
subs. 1,
re-enacted.

(1) Every teacher and every inspector who has been employed for at least thirty-six years and who, if a male, is at least sixty-five years of age or, if a female, is at least sixty-two years of age who applies to the Minister for the annual allowance provided for by this Act and who has retired from the profession

Annual
allowance
on retire-
ment.

and ceased to be so employed and who produces such proof of age, length of employment and other evidence as may be required by the regulations shall be entitled to be paid during his lifetime an annual allowance chargeable against the fund equal to one-sixtieth of his average salary for the full number of years during which he has made contributions to the fund, multiplied by the number of full years during which he was employed, and all payments so made shall be debited to the fund, but,—

- (a) the years during which he has contributed to the fund shall count as full years of employment;
- (b) the years of employment completed prior to the 1st day of April, 1917, shall count each as a half year of employment;
- (c) contributions to any municipal or school board fund made prior to the 1st day of April, 1917, and paid over to the fund shall be considered as contributions to the fund;
- (d) if the average salary for the full number of years during which he has made contributions to the fund exceeds \$800, the minimum annual allowance shall be \$500, but if less than \$800, the minimum annual allowance shall be sixty per centum of the average salary;
- (e) if the amount of such annual payment as above computed is more than \$1,500, the amount of the annual payment shall be \$1,500, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,500 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity;
- (f) a teacher or inspector who has contributed to the fund mentioned in sections 125 to 127 of *The Public Schools Act*, and who has become subject to this Act under section 15 shall be entitled to receive in addition to any allowance under this section, an annual allowance equal to an annuity which might have been purchased by him at Dominion Government

rates with the sums so contributed, but the total amount payable to him shall not exceed the maximum provided for in clause e;

- (g) should a teacher or an inspector after retirement again become employed the allowance shall cease during the term of such employment, but may be resumed upon his again ceasing to be employed, and the period during which he has been so employed shall be allowed for in fixing the amount of his annual allowance on retirement.

(2) Subsection 2 of the said section 6 as amended by subsection 3 of section 2 of *The School Law Amendment Act, 1940*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 6,
subs. 2,
re-enacted.

- (2) An annual allowance shall be paid to a teacher or inspector who retires after thirty years' service before he is entitled to a pension under subsection 1, 4 or 5 and shall be computed in the same manner as a pension under subsection 1 subject to such reductions as may be prescribed by the regulations having regard to the length of service and age of the teacher or inspector.

Retirement
after thirty
years'
service.

- (2a) In the case of a teacher or inspector who has been employed for at least forty years, the annual allowance payable under subsection 1 shall not be subject to reduction by reason of the fact that the teacher or inspector, if a male, is not yet sixty-five years of age, or if a female, is not yet sixty-two years of age.

Retirement
after thirty
years'
service.

31. Subsections 1 and 2 of section 7 of *The Teachers' and Inspectors' Superannuation Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 366, s. 7,
subs. 1,
re-enacted;
subs. 2
repealed.

- (1) Subject to the regulations, a teacher or inspector may in writing signed by him and deposited with the Commission at least two years prior to his retirement from the profession direct that the annual allowance to which he would be entitled shall be converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate,—

Annuities.

- (a) in the case of a married teacher or inspector to his surviving spouse; and
- (b) in the case of any other teacher or inspector, to any dependent named in any such direction.

Rev. Stat.,
c. 366, s. 17,
amended.

32.—(1) Section 17 of *The Teachers' and Inspectors' Superannuation Act* is amended by adding thereto the following clause:

- (ff) governing the reductions to annual allowances under subsection 2 of section 6 having regard to length of service and age.

Rev. Stat.,
c. 366, s. 17,
cls. gg, ggg
(1944,
c. 56, s. 21),
re-enacted.

(2) Clauses gg and ggg of the said section 17, as enacted by section 21 of *The School Law Amendment Act, 1944*, are repealed and the following substituted therefor:

Services
in another
province.

- (gg) prescribing the conditions under which credit may be given under the Act for services performed as a teacher or inspector in another province of Canada or in any other part of the British Commonwealth of Nations where such a teacher or inspector is subsequently employed in Ontario and prescribing the amount of such credit;

Transfer
of contri-
butions
to other
province.

- (ggg) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a former Ontario teacher or inspector who has become a teacher or inspector in such other province or part of the British Commonwealth of Nations.

Rev. Stat.,
c. 369, s. 1,
cl. b,
re-enacted;
cl. bb
(1938,
c. 35, s. 37),
repealed.

33.—(1) Clause b of section 1 of *The Vocational Education Act* and clause bb of the said section 1 as enacted by section 37 of *The School Law Amendment Act, 1938*, are repealed and the following substituted therefor:

"County
pupils".

- (b) "County pupils" shall mean pupils,—

(i) who reside with their parents or guardians; or

(ii) who or whose parents or guardians are assessed for an amount equal to the average assessment of the ratepayers,

in that part of a county which is not within a city or separated town or within a high school or grade A or grade B continuation school district in which a vocational school is established and maintained.

Rev. Stat.,
c. 369, s. 1,
amended.

(2) The said section 1 is further amended by adding thereto the following clause:

- (cc) "Perfect aggregate attendance" of pupils for a ^{"Perfect aggregate attendance"} calendar year shall be calculated by multiplying the number representing the number of teaching days in the calendar year by the number representing the number of such pupils registered at the school during such calendar year and deducting therefrom the number of pupil-days' non-attendance caused by,—
- (i) quarantines;
 - (ii) observance of holy days;
 - (iii) deaths;
 - (iv) late registration owing to transfer or age of pupils;
 - (v) termination of registrations owing to transfer or age of pupils;
 - (vi) expulsions; and
 - (vii) exclusions.

34. Clauses *a* and *b* of subsection 3 of section 13 of *The Vocational Education Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 369, s. 13,
subs. 3,
cls. a, b,
re-enacted.

- (a) fifty per centum of the said cost by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities comprising that part of the county which is not within the limits of a high school or grade A or grade B continuation school district in which a vocational school is established and maintained; and
- (b) the remaining fifty per centum thereof by a levy upon and against the whole rateable property, according to the last revised equalized assessment, of the municipalities or portions of municipalities which are not within a high school or grade A or grade B continuation school district in which a vocational school is established or maintained and in which the county pupils reside or are assessed or the parents or guardians of whom are assessed, as the case may be, in the proportion which the perfect aggregate attendance of the county pupils who reside or are assessed or whose parents or guardians are assessed in such municipality or portion of a municipality bears to the perfect aggregate attendance of all county pupils.

Rev. Stat.,
c. 369, s. 20,
repealed.

35. Section 20 of *The Vocational Education Act* is repealed.

Commence-
ment of Act.

36.—(1) This Act shall come into force on the day upon which it receives the Royal Assent.

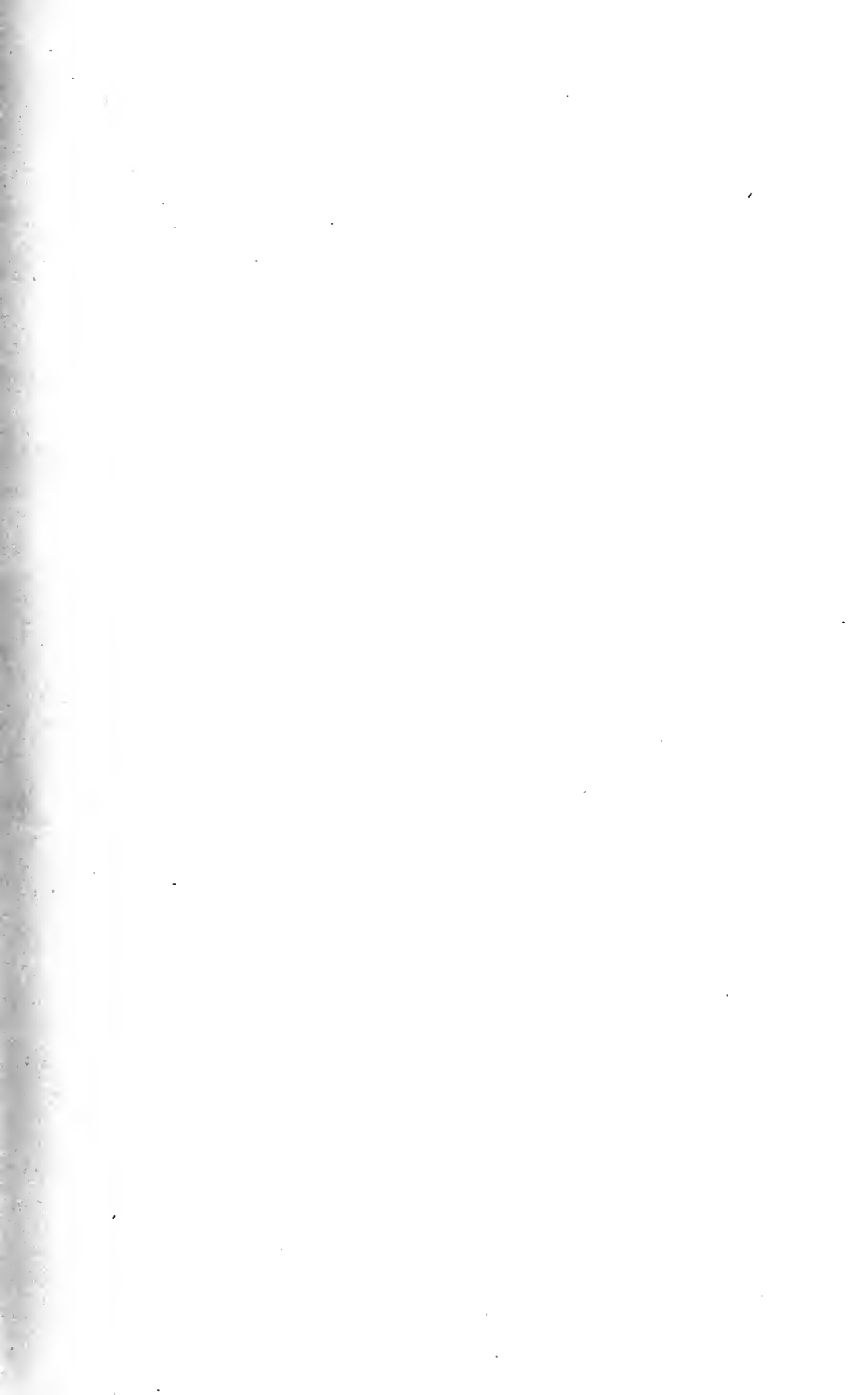
(2) Sections 2, 3, 6, 8, 10, 11, 12, 13, 14, 18, 21, 23, 27, 33 and 34 shall have effect on and after the 1st day of January, 1945.

(3) Section 29 shall have effect on and after the 31st day of August, 1945.

(4) Sections 30 and 32 shall have effect on and after the 30th day of June, 1945.

Short title.

37. This Act may be cited as *The School Law Amendment Act, 1945*.



BILL

The School Law Amendment Act, 1945.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. DREW

No. 2

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Mining Tax Act.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. In view of the ultimate termination of the Dominion-Provincial tax agreement, it is of importance that the date for payment of profit tax collected under *The Mining Tax Act* be made to conform with other taxing statutes.

SECTION 2. Complementary to section 1.

No. 2

1945
(Second Session)

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 3, re-enacted.

3. The taxes imposed by this Act shall be deemed to accrue on the 1st day of January of the year in which they are payable and shall be payable to the Minister,— Dates of accrual and payment.

(a) not later than the 31st day of March in each year in respect of the tax payable under section 4 as estimated on the returns required to be submitted by this Act; and

(b) not later than the 1st day of October in each year in respect of the tax payable under sections 14 and 26.

2.—(1) Subsection 1 of section 7 of *The Mining Tax Act* is amended by striking out the figure and letters "1st" in the fourth line and inserting in lieu thereof the figures and letters "31st", so that the first six lines of the said subsection shall now read as follows: Rev. Stat., c. 28, s. 7, subs. 1, amended.

(1) Every person liable to pay the tax imposed by section 4 shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 31st day of March in every year, deliver to the Department of Mines a detailed statement in which shall be set forth,— Statement to be furnished.

(2) Subsection 3 of the said section 7 is repealed.

Rev. Stat., c. 28, s. 7, subs. 3, repealed.

Rev. Stat.,
c. 28, s. 11,
subs. 6,
amended.

3. Subsection 6 of section 11 of *The Mining Tax Act* is amended by striking out all the words after the word "Act" in the ninth line, so that the said subsection shall now read as follows:

Costs.

- (6) In any such proceedings or investigation, or on any appeal, the Mining Court or the Ontario Municipal Board may order the appellant, or the person causing the investigation by reason of false or incorrect statements, or failure to keep books and accounts or to otherwise conform to the provisions of this Act, to pay the costs of such appeal, proceeding or investigation, and may direct that the same be taxed by a taxing officer of the Supreme Court and added to the tax for which such person is liable under this Act.

Rev. Stat.,
c. 28, s. 12,
re-enacted.

4. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Notice of
assessment.

- 12.--(1) It shall be the duty of the mine assessor, or the person charged with the collection of any tax imposed by section 4, after examining the returns submitted, to send a notice of assessment to the owner, lessee, tenant, holder, occupier, manager or operator of the mine verifying or altering the amount of tax as estimated in the returns and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, together with penalties as in this Act provided.

Remission.

- (2) If the mine assessor, or the person charged with the collection of any tax imposed by section 4, finds that the returns understate the amount of tax which should be payable, but is satisfied that such understatement was not made with intent to decrease the amount of tax to be paid, but was made in good faith and with no improper motive, he may, with the approval of the Minister, remit all or such part of the penalties as may in his discretion seem just.

Failure to
pay addi-
tional tax.

- (3) If the owner, lessee, tenant, holder, occupier, manager or operator of the mine fails to pay such additional tax and penalties, if any, within one month from the date of the mailing of the notice of assessment, and no appeal is taken as provided in section 11, he shall, notwithstanding any relief granted under subsection 2, be liable for and shall pay in addition to the amount of tax due full penalties as in this Act provided.

SECTION 3. As the whole machinery for the submission of returns and payment of tax has been altered due to the advanced date of payment, the penalties for default have been deleted from this section and provision made for penalties in section 4.

SECTION 4. Subsection 1 of section 12 of the Act—Previously the returns required in connection with the collection of the tax were submitted by March 1st and the assessment made by the mine assessor by October 1st. Due to the advanced date of payment, it is necessary to provide for notice of assessment verifying or altering the amount of tax as estimated in the returns.

Subsection 2 of section 12 of the Act. Relief is provided for if understatement of tax in returns is made with no improper motive.

Subsection 3 of section 12 of the Act. Penalty provided for default in payment of any balance of tax which may be found to be due after assessment and notification by mine assessor.

Subsection 4 of section 12 of the Act. Provides for refund in case of overpayment.

SECTION 5—SUBSECTION 1. Provides for acceleration of forfeiture procedure so that mining lands in default of acreage taxes may be made available for re-staking at an earlier date.

Subsection 2. The present section imposes costs of \$5 per parcel. As patents granted some years ago often contained several mining locations or claims, it is desirable to levy costs on each location or mining claim.

- (4) The Treasurer of Ontario, upon the recommendation of the Minister, following the issue of the notice of assessment, may refund any overpayment of tax or penalties made by the taxpayer. Refunds.

5.—(1) Subsection 1 of section 20 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 28, s. 20,
subs. 1,
re-enacted.

- (1) The Deputy Minister of Mines shall cause to be prepared annually a list of all mines, mining locations, mining claims, mining rights and other lands in respect of which any tax imposed under this Act is two years or more in arrear and each year shall cause such list to be published in four consecutive issues of the *Ontario Gazette* between the 1st day of January and the 31st day of March and in four issues of one newspaper, if any, published in the district or county in which the property is situate, stating that unless the amount due with penalties, costs and expenses is paid on or before a day specified therein, which shall be not less than six months nor more than one year after the first of such publications, such mines, mining locations, mining claims, mining rights and other lands shall upon the day following the day so specified become forfeit to and re-vested in the Crown. Publication
of list of
arrears and
notice of
forfeiture.

(2) Subsection 2 of the said section 20 is amended by striking out the words "parcel of property" in the last line and inserting in lieu thereof the words "mining location, mining claim or parcel of mining rights", so that the said subsection shall now read as follows: Rev. Stat.,
c. 28, s. 20,
subs. 2,
amended.

- (2) If the taxes due, with costs and expenses, or any part thereof, remain unpaid until within four months of the day so fixed, the Deputy Minister shall, not later than two months prior to such day, mail or cause to be mailed by registered post to the person appearing from search or inquiry at the registry or land titles office to be the owner or last known owner of each property so in default, at what appears to the Deputy Minister to be the address or last known address of such person so far as he can reasonably ascertain it, notice specifying the total amount of taxes, costs, expenses and penalties due or payable under this Act in respect of such property and stating that unless the same is paid on or before the day so fixed the property will be forfeited; and to the amount otherwise payable under this Act there shall in every such case be added and shall be paid as costs of such notice the sum of \$5 for each mining location, mining claim or parcel of mining rights. Notice to
persons in
default.

Commence-
ment of Act. **6.** This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and from the 1st day of January, 1945.

Short title. **7.** This Act may be cited as *The Mining Tax Amendment Act, 1945*.

BILL

An Act to amend The Mining Tax Act.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. FROST

1945

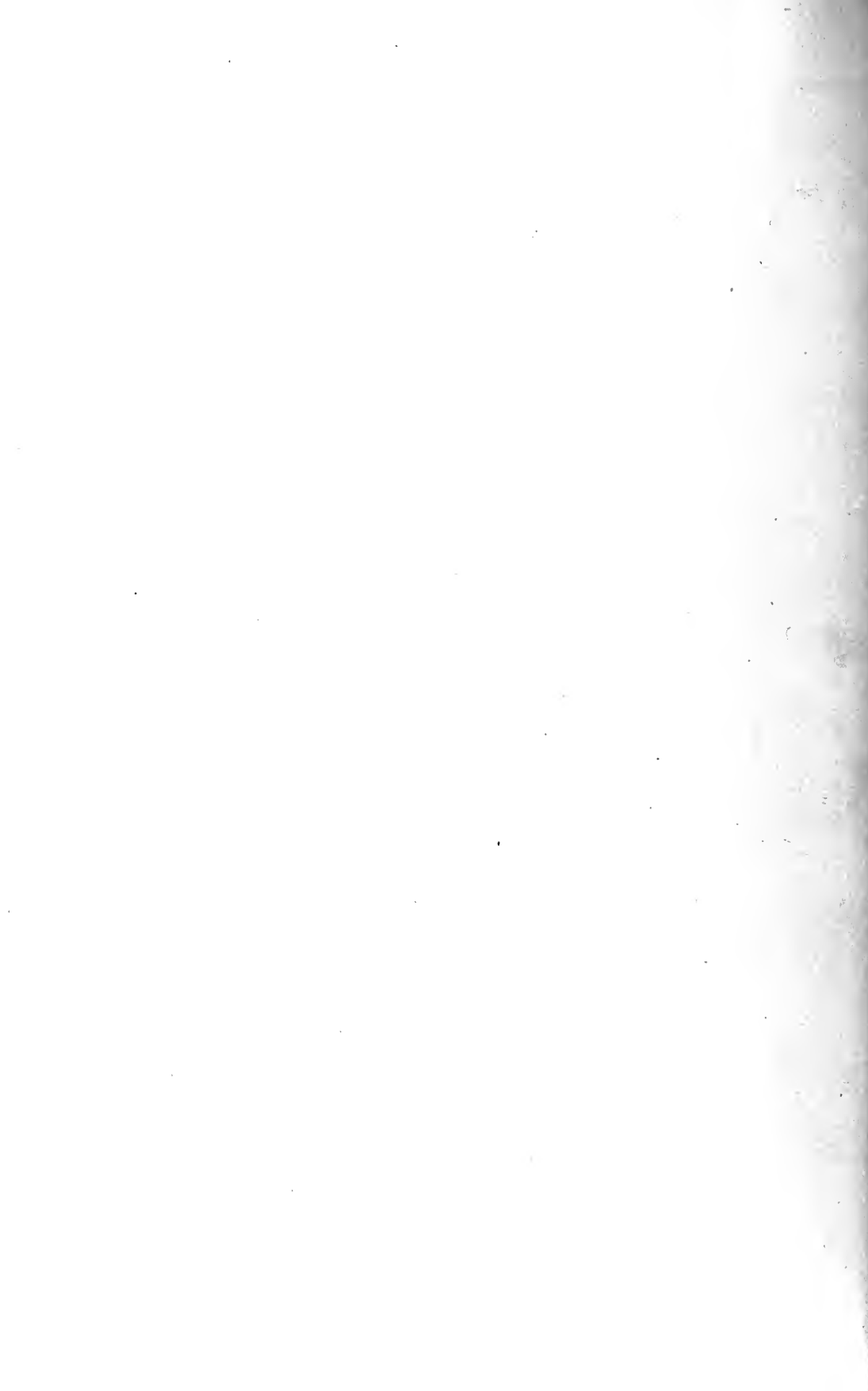
(Second Session)

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Mining Tax Act.

MR. FROST



No. 2

1945
(Second Session)

BILL

An Act to amend The Mining Tax Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat., c. 28, s. 3, re-enacted.

3. The taxes imposed by this Act shall be deemed to accrue on the 1st day of January of the year in which they are payable and shall be payable to the Minister,— Dates of accrual and payment.

(a) not later than the 31st day of March in each year in respect of the tax payable under section 4 as estimated on the returns required to be submitted by this Act; and

(b) not later than the 1st day of October in each year in respect of the tax payable under sections 14 and 26.

2.—(1) Subsection 1 of section 7 of *The Mining Tax Act* is amended by striking out the figure and letters "1st" in the fourth line and inserting in lieu thereof the figures and letters "31st", so that the first six lines of the said subsection shall now read as follows: Rev. Stat., c. 28, s. 7, subs. 1, amended.

(1) Every person liable to pay the tax imposed by section 4 shall, without any notice or demand to that effect, in addition to any other statements which may otherwise be required, on or before the 31st day of March in every year, deliver to the Department of Mines a detailed statement in which shall be set forth,— Statement to be furnished.

(2) Subsection 3 of the said section 7 is repealed.

Rev. Stat., c. 28, s. 7, subs. 3, repealed.

Rev. Stat.,
c. 28, s. 11,
subs. 6,
amended.

3. Subsection 6 of section 11 of *The Mining Tax Act* is amended by striking out all the words after the word "Act" in the ninth line, so that the said subsection shall now read as follows:

Costs.

- (6) In any such proceedings or investigation, or on any appeal, the Mining Court or the Ontario Municipal Board may order the appellant, or the person causing the investigation by reason of false or incorrect statements, or failure to keep books and accounts or to otherwise conform to the provisions of this Act, to pay the costs of such appeal, proceeding or investigation, and may direct that the same be taxed by a taxing officer of the Supreme Court and added to the tax for which such person is liable under this Act.

Rev. Stat.,
c. 28, s. 12,
re-enacted.

4. Section 12 of *The Mining Tax Act* is repealed and the following substituted therefor:

Notice of
assessment.

- 12.—(1) It shall be the duty of the mine assessor, or the person charged with the collection of any tax imposed by section 4, after examining the returns submitted, to send a notice of assessment to the owner, lessee, tenant, holder, occupier, manager or operator of the mine verifying or altering the amount of tax as estimated in the returns and any additional tax found to be due over the estimated amount shall be paid within one month from the date of mailing of the notice of assessment, together with penalties as in this Act provided.

Remission.

- (2) If the mine assessor, or the person charged with the collection of any tax imposed by section 4, finds that the returns understate the amount of tax which should be payable, but is satisfied that such understatement was not made with intent to decrease the amount of tax to be paid, but was made in good faith and with no improper motive, he may, with the approval of the Minister, remit all or such part of the penalties as may in his discretion seem just.

Failure to
pay addi-
tional tax.

- (3) If the owner, lessee, tenant, holder, occupier, manager or operator of the mine fails to pay such additional tax and penalties, if any, within one month from the date of the mailing of the notice of assessment, and no appeal is taken as provided in section 11, he shall, notwithstanding any relief granted under subsection 2, be liable for and shall pay in addition to the amount of tax due full penalties as in this Act provided.

- (4) The Treasurer of Ontario, upon the recommendation of the Minister, following the issue of the notice of assessment, may refund any overpayment of tax or penalties made by the taxpayer. Refunds.

5.—(1) Subsection 1 of section 20 of *The Mining Tax Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 28, s. 20,
subs. 1,
re-enacted.

- (1) The Deputy Minister of Mines shall cause to be prepared annually a list of all mines, mining locations, mining claims, mining rights and other lands in respect of which any tax imposed under this Act is two years or more in arrear and each year shall cause such list to be published in four consecutive issues of the *Ontario Gazette* between the 1st day of January and the 31st day of March and in four issues of one newspaper, if any, published in the district or county in which the property is situate, stating that unless the amount due with penalties, costs and expenses is paid on or before a day specified therein, which shall be not less than six months nor more than one year after the first of such publications, such mines, mining locations, mining claims, mining rights and other lands shall upon the day following the day so specified become forfeit to and re-vested in the Crown. Publication
of list of
arrears and
notice of
forfeiture.

(2) Subsection 2 of the said section 20 is amended by striking out the words "parcel of property" in the last line and inserting in lieu thereof the words "mining location, mining claim or parcel of mining rights", so that the said subsection shall now read as follows: Rev. Stat.,
c. 28, s. 20,
subs. 2,
amended.

- (2) If the taxes due, with costs and expenses, or any part thereof, remain unpaid until within four months of the day so fixed, the Deputy Minister shall, not later than two months prior to such day, mail or cause to be mailed by registered post to the person appearing from search or inquiry at the registry or land titles office to be the owner or last known owner of each property so in default, at what appears to the Deputy Minister to be the address or last known address of such person so far as he can reasonably ascertain it, notice specifying the total amount of taxes, costs, expenses and penalties due or payable under this Act in respect of such property and stating that unless the same is paid on or before the day so fixed the property will be forfeited; and to the amount otherwise payable under this Act there shall in every such case be added and shall be paid as costs of such notice the sum of \$5 for each mining location, mining claim or parcel of mining rights. Notice to
persons in
default.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and from the 1st day of January, 1945.

Short title.

7. This Act may be cited as *The Mining Tax Amendment Act, 1945*.

BILL

An Act to amend The Mining Tax Act.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. FROST

No. 3

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue
Fund.

MR. FROST

TORONTO,
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 3

1945
(Second Session)

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Twenty Million Dollars (\$20,000,000). Loan of \$20,000,000 authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon. Terms to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*. Sinking fund. Rev. Stat., c. 22.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

5. This Act may be cited as *The Ontario Loan Act, 1945*. Short title.

BILL

An Act for Raising Money on the Credit
of the Consolidated Revenue Fund.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. FROST

No. 3

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue
Fund.

MR. FROST

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for the covering of any debt of Ontario on open account, for paying any floating indebtedness of Ontario, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole Twenty Million Dollars (\$20,000,000). Loan of \$20,000,000 authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon. Terms to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*. Sinking fund. Rev. Stat., c. 22.

4. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

5. This Act may be cited as *The Ontario Loan Act, 1945*. Short title.

BILL

An Act for Raising Money on the Credit
of the Consolidated Revenue Fund.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

Mr. Frost

No. 4

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

The Cheese and Hog Subsidy Act, 1945.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The effect of this Bill is to extend the provisions of *The Cheese and Hog Subsidy Act, 1941*, until the 31st day of March, 1946.

The Bill is retroactive to April 1st, 1945.

No. 4

1945
(Second Session)

BILL

The Cheese and Hog Subsidy Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, or *The Cheese and Hog Subsidy Act, 1944*, all the other provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1946. 1941, c. 11 continued in force. 1942, c. 6; 1943, c. 3; 1944, c. 8.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of April, 1945. Commencement of Act.
3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1945*. Short title.

BILL

The Cheese and Hog Subsidy Act, 1945.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. KENNEDY

No. 4

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

The Cheese and Hog Subsidy Act, 1945.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 4

1945
(Second Session)

BILL

The Cheese and Hog Subsidy Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, or *The Cheese and Hog Subsidy Act, 1944*, all the other provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1946. 1941, c. 11 continued in force.
1942, c. 6;
1943, c. 3;
1944, c. 8.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of April, 1945. Commence-
ment of Act.
3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1945*. Short title

BILL

The Cheese and Hog Subsidy Act, 1945.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. KENNEDY

1945

(Second Session)

No. 5

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

The Sugar Beet Subsidy Act, 1945.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The effect of this Bill is to extend the provisions of *The Sugar Beet Subsidy Act, 1943*, until the 31st day of March, 1946.

The Bill is retroactive to April 1st, 1945.

No. 5

1945
(Second Session)

BILL

The Sugar Beet Subsidy Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Sugar Beet Subsidy Act, 1943*, or section 2 of *The Sugar Beet Subsidy Act, 1944*, all the other provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of *The Sugar Beet Subsidy Act, 1944*, shall continue in force and have effect until the 31st day of March, 1946. ^{1943, c. 30, continued in force.} ^{1944, c. 60.}
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of April, 1945. <sup>Commence-
ment of Act.</sup>
3. This Act may be cited as *The Sugar Beet Subsidy Act, 1945*. ^{Short title.}

BILL

The Sugar Beet Subsidy Act, 1945.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. KENNEDY

1945

(Second Session)

No. 5

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

The Sugar Beet Subsidy Act, 1945.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 5

1945
(Second Session)

BILL

The Sugar Beet Subsidy Act, 1945.

HIS MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Sugar Beet Subsidy Act, 1943*, or section 2 of *The Sugar Beet Subsidy Act, 1944*, all the other provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of *The Sugar Beet Subsidy Act, 1944*, shall continue in force and have effect until the 31st day of March, 1946. 1943, c. 30, continued in force. 1944, c. 60.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of April, 1945. Commence-ment of Act.
3. This Act may be cited as *The Sugar Beet Subsidy Act, 1945*. Short title.

BILL

The Sugar Beet Subsidy Act, 1945.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. KENNEDY

1945

(Second Session)

No. 6

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to provide for an Annual Grant to the University of Toronto
School of Nursing.

MR. VIVIAN

EXPLANATORY NOTE

This Act provides for an annual grant to the University of Toronto School of Nursing.

No. 6

1945
(Second Session)

BILL

An Act to provide for an Annual Grant to the
University of Toronto School of Nursing.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. There is hereby appropriated and there shall be paid ^{Grant to}
out of the Consolidated Revenue Fund of Ontario a grant to ^{University}
the Governors of the University of Toronto to be applied ^{of Toronto.}
only for the use of its School of Nursing in the amount of
\$10,000 each year for a term of five years and \$20,000 each
year for a further term of ten years.

2. This Act may be cited as *The University of Toronto* ^{Short title.}
School of Nursing Grant Act, 1945.

BILL

An Act to provide for an Annual Grant to
the University of Toronto School
of Nursing.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

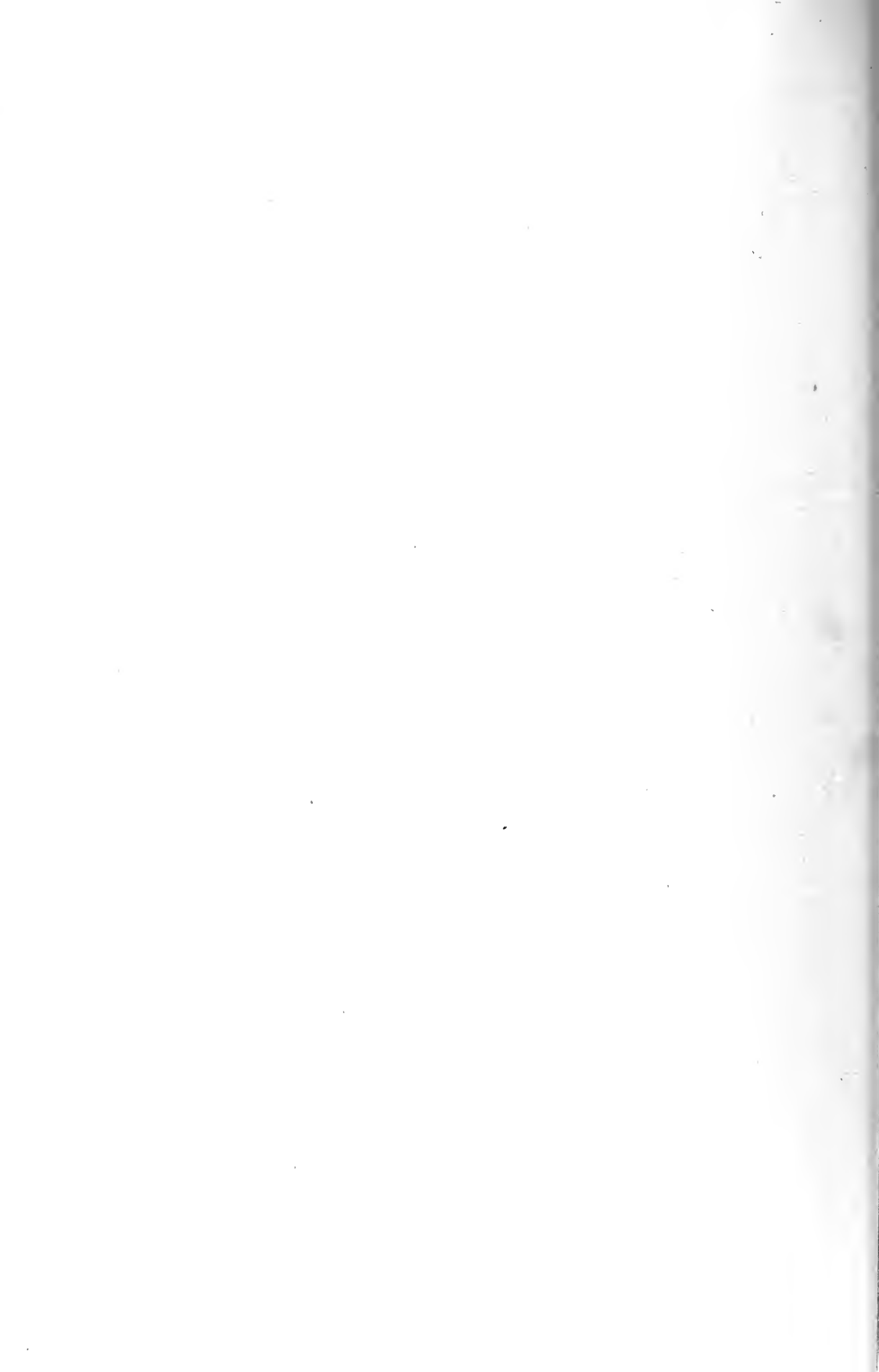
MR. VIVIAN

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to provide for an Annual Grant to the University of Toronto
School of Nursing.

MR. VIVIAN



No. 6

1945
(Second Session)

BILL

An Act to provide for an Annual Grant to the
University of Toronto School of Nursing.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. There is hereby appropriated and there shall be paid ^{Grant to} out of the Consolidated Revenue Fund of Ontario a grant to ^{University} the Governors of the University of Toronto to be applied ^{of Toronto.} only for the use of its School of Nursing in the amount of \$10,000 each year for a term of five years and \$20,000 each year for a further term of ten years.

2. This Act may be cited as *The University of Toronto* ^{Short title.} *School of Nursing Grant Act, 1945.*

BILL

An Act to provide for an Annual Grant to
the University of Toronto School
of Nursing.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. VIVIAN

1945

(Second Session)

No. 7

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Companies Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1. The provisions governing loans made by provincially incorporated insurance companies is brought into line with *The National Housing Act, 1944* (Canada) which in the case of smaller homes would permit an insurance company to invest, by way of loan, an amount exceeding sixty per centum of the value of the property.

SECTION 2. The amendment permits Ontario incorporated life insurance companies to purchase land and construct low cost or moderate cost rental housing projects to the extent indicated in the section and pursuant to *The National Housing Act, 1944* (Canada).

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of subsection 1 of section 300 of *The Companies Act* as amended by subsection 2 of section 3 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the words "the *National Housing Act* (Canada)" in the amendment of 1939 and inserting in lieu thereof the words "*The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada)", so that the said clause shall now read as follows:

Rev. Stat.,
c. 251, s. 300,
subs. 1, cl. g,
amended.

- (g) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada), or any amendments thereto.

1938, c. 49
(Can.);
1944-45, c. 46
(Can.).

2. *The Companies Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 251,
amended.

- 300a. An insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent of Insurance in the purchase of land in Ontario or elsewhere in Canada

Investment
of funds in
housing
projects.

where the insurer is carrying on business and the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

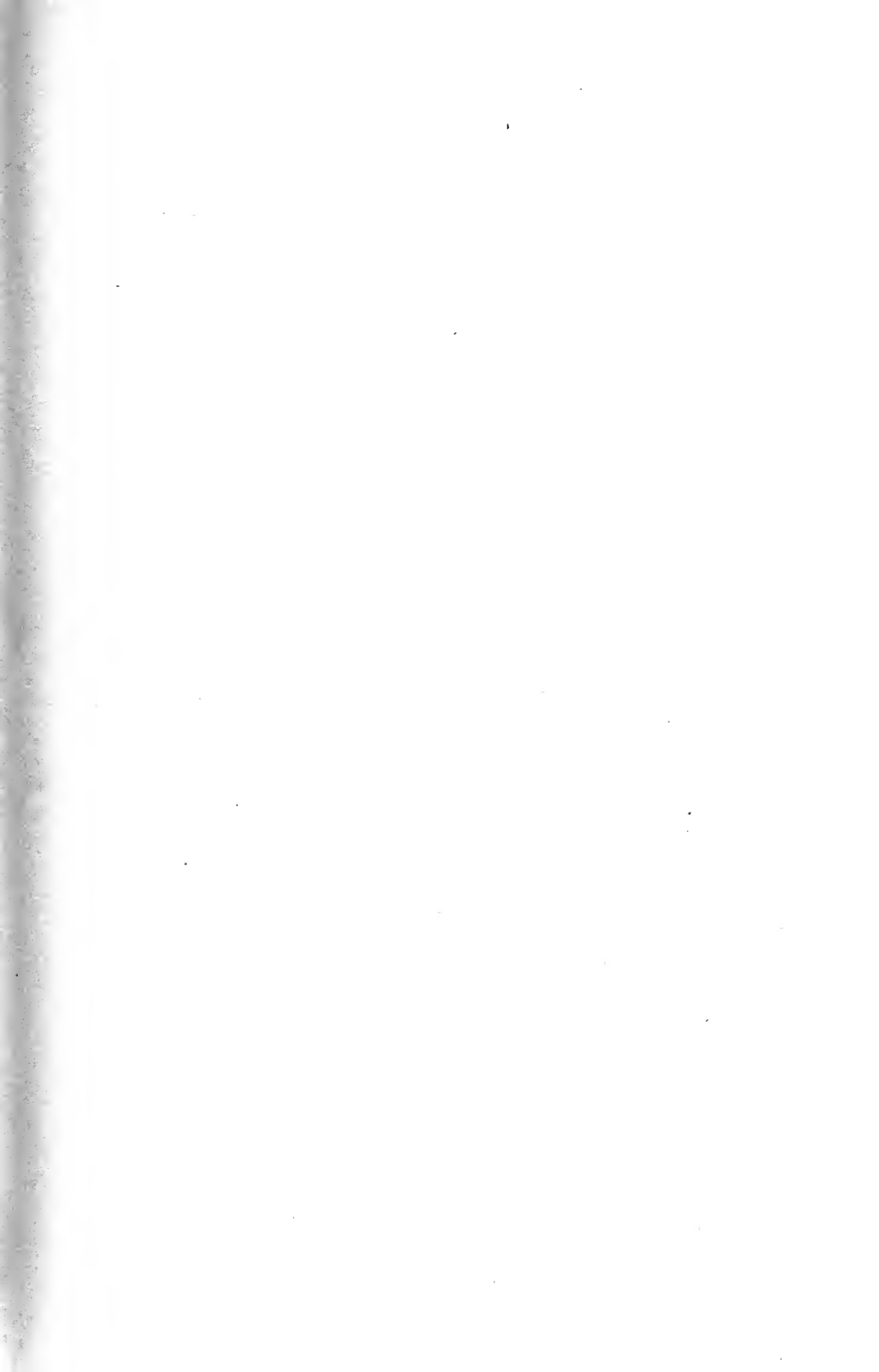
1944-45, c. 46
(Can.).

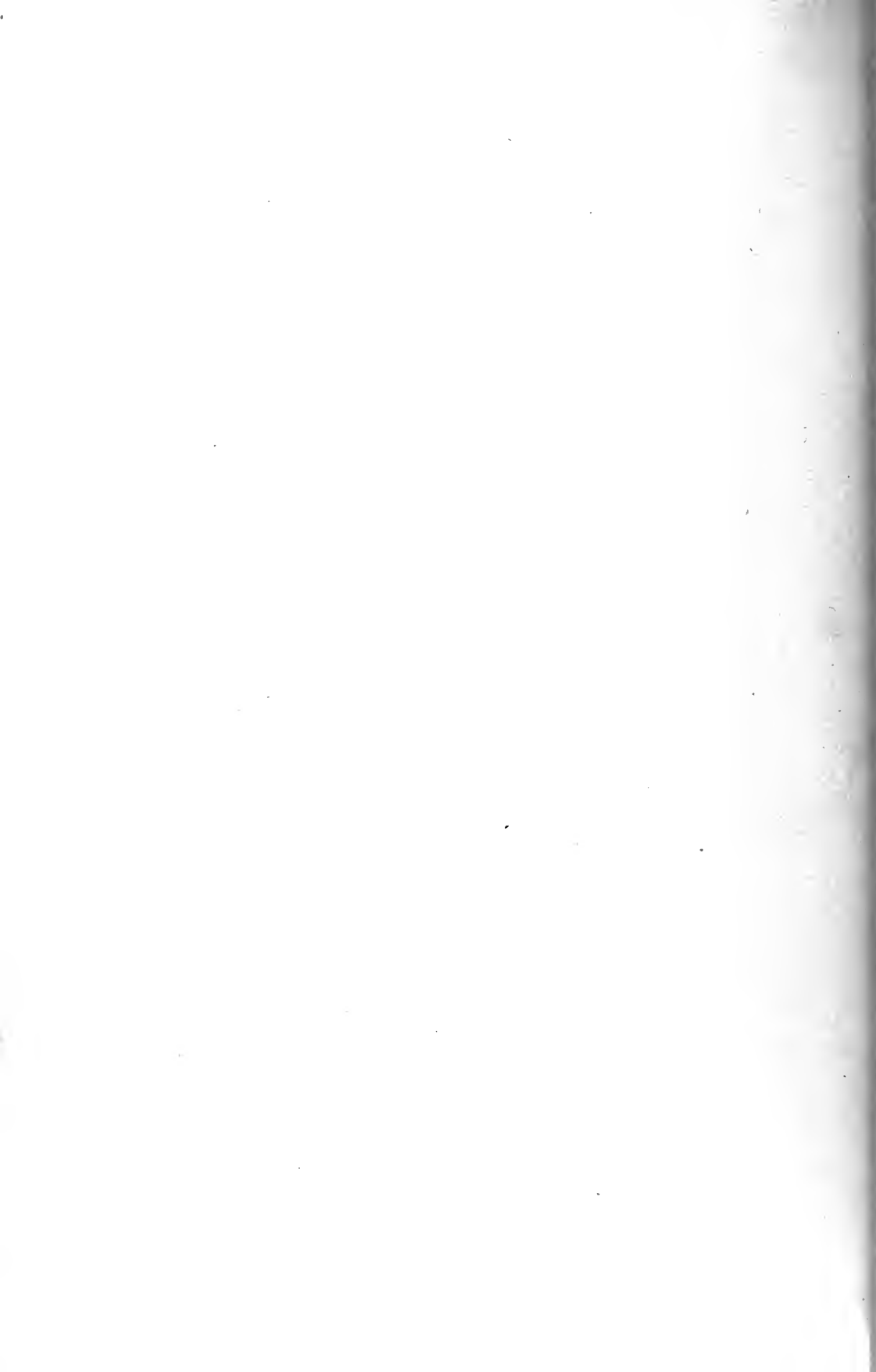
Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Companies Amendment Act, 1945*.





BILL

An Act to amend The Companies Act.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. DUNBAR

No. 7

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Companies Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1945
(Second Session)

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *g* of subsection 1 of section 300 of *The Companies Act* as amended by subsection 2 of section 3 of *The Statute Law Amendment Act, 1939*, is further amended by striking out the words "the *National Housing Act* (Canada)" in the amendment of 1939 and inserting in lieu thereof the words "*The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada)", so that the said clause shall now read as follows:

Rev. Stat.,
c. 251, s. 300,
subs. 1, cl. *g*,
amended.

- (*g*) real estate or leaseholds for a term or terms of years or other estate or interest therein in Canada or elsewhere where the insurer is carrying on business, provided, however, that no such loan shall exceed sixty per centum of the value of the real estate or interest therein which forms the security for such loan, but this proviso shall not be deemed to prohibit an insurer from accepting as part payment for real estate sold by it, a mortgage or hypothec thereon for more than sixty per centum of the sale price of such real estate; but notwithstanding the foregoing, an insurer may lend its funds, or any portion thereof, on the security of real estate pursuant to the provisions of *The National Housing Act, 1938* (Canada), or *The National Housing Act, 1944* (Canada), or any amendments thereto.

1938, c. 49
(Can.);
1944-45, c. 46
(Can.).

2. *The Companies Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 251,
amended.

- 300*a*. An insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent of Insurance in the purchase of land in Ontario or elsewhere in Canada

Investment
of funds in
housing
projects.

1944-45, c. 46
(Can.).

where the insurer is carrying on business and the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Companies Amendment Act, 1945*.

BILL

An Act to amend The Companies Act.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. DUNBAR

No. 8

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

The Mortgagors' and Purchasers' Relief Act, 1945.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

This Bill provides for a further extension of one year of *The Mortgagors' and Purchasers' Relief Act, 1933*.

The Bill is made retroactive as *The Mortgagors' and Purchasers' Relief Act, 1933*, as extended from year to year, expires on June 30th, 1945.

No. 8

1945
(Second Session)

BILL

The Mortgagors' and Purchasers' Relief Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 36 of *The Mortgagors' and Purchasers' Relief Act, 1933*, *The Mortgagors' and Purchasers' Relief Act, 1934*, *The Mortgagors' and Purchasers' Relief Act, 1935*, section 3 of *The Mortgagors' and Purchasers' Relief Amendment Act, 1936*, *The Mortgagors' and Purchasers' Relief Act, 1937*, *The Mortgagors' and Purchasers' Relief Act, 1938*, section 3 of *The Mortgagors' and Purchasers' Relief Act, 1939*, *The Mortgagors' and Purchasers' Relief Act, 1940*, *The Mortgagors' and Purchasers' Relief Act, 1941*, *The Mortgagors' and Purchasers' Relief Act, 1942*, *The Mortgagors' and Purchasers' Relief Act, 1943*, or *The Mortgagors' and Purchasers' Relief Act, 1944*, all the provisions of *The Mortgagors' and Purchasers' Relief Act, 1933*, shall continue in force and have effect until the 30th day of June, 1946.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of July, 1945.

3. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1945*.

BILL

The Mortgagees' and Purchasers'
Relief Act, 1945.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. BLACKWELL

No. 8

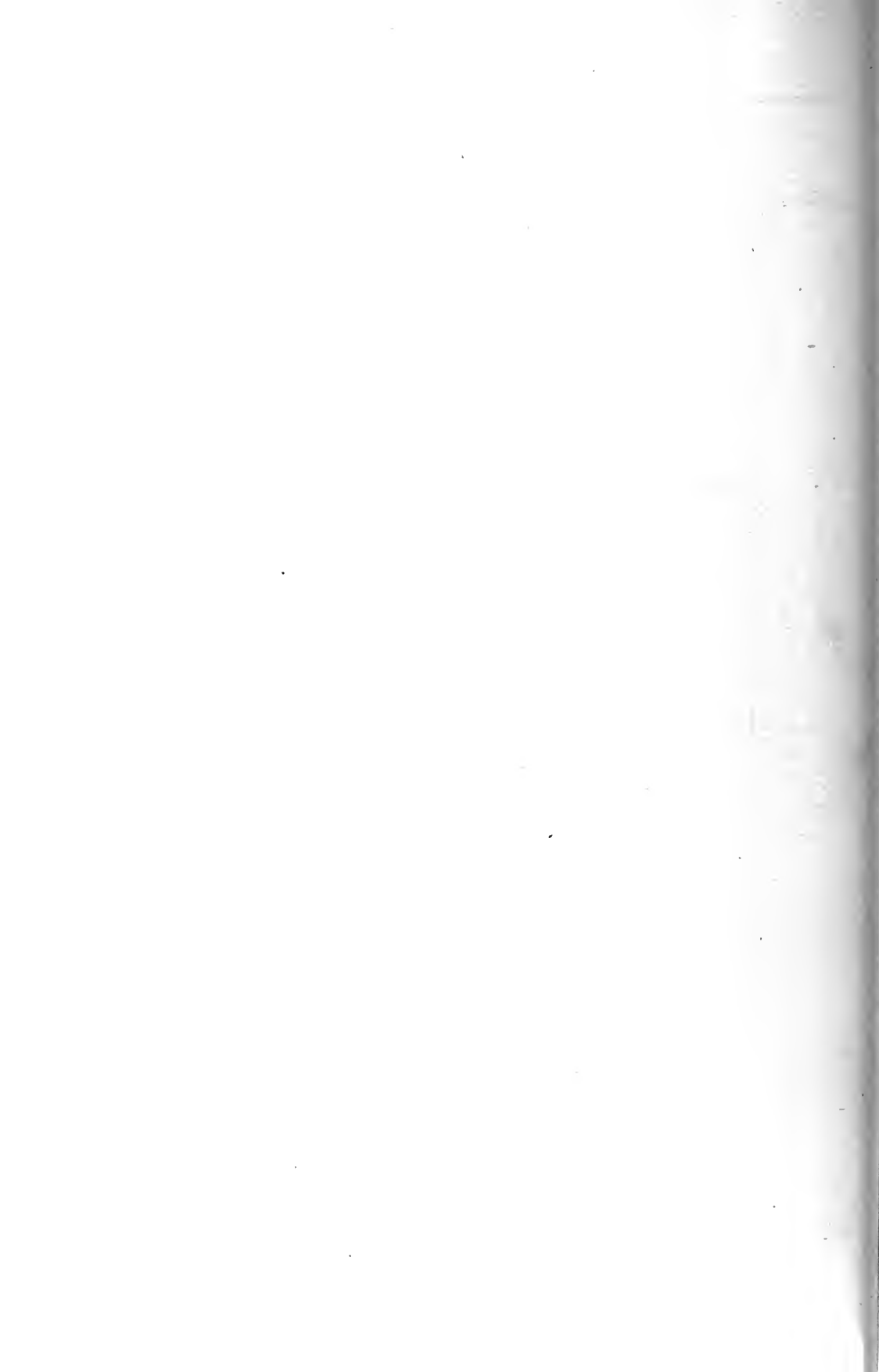
1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

The Mortgagors' and Purchasers' Relief Act, 1945.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



No. 8

1945
(Second Session)

BILL

The Mortgagors' and Purchasers' Relief Act, 1945.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 36 of 1933, c. 35, continued in force.
The Mortgagors' and Purchasers' Relief Act, 1933, The Mortgagors' and Purchasers' Relief Act, 1934, The Mortgagors' and Purchasers' Relief Act, 1935, section 3 of The Mortgagors' and Purchasers' Relief Amendment Act, 1936, The Mortgagors' and Purchasers' Relief Act, 1937, The Mortgagors' and Purchasers' Relief Act, 1938, section 3 of The Mortgagors' and Purchasers' Relief Act, 1939, The Mortgagors' and Purchasers' Relief Act, 1940, The Mortgagors' and Purchasers' Relief Act, 1941, The Mortgagors' and Purchasers' Relief Act, 1942, The Mortgagors' and Purchasers' Relief Act, 1943, or The Mortgagors' and Purchasers' Relief Act, 1944, all the provisions of The Mortgagors' and Purchasers' Relief Act, 1933, shall continue in force and have effect until the 30th day of June, 1946.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of July, 1945. Commencement of Act.
3. This Act may be cited as *The Mortgagors' and Purchasers' Relief Act, 1945.* Short title.

BILL

The Mortgagees' and Purchasers'
Relief Act, 1945.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. BLACKWELL

1945

(Second Session)

No. 9

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Statutes Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

Under *The Statutes Act* the date of the commencement of each Act passed by the Legislature is fixed with relation to the date of prorogation unless it is otherwise provided in the Act itself. The amendment provides that the same principle shall apply where a session is terminated by the dissolution of the Legislature.

No. 9

1945
(Second Session)

BILL

An Act to amend The Statutes Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Statutes Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 2, s. 4,
amended.

(3) Where a session of the Legislature is ended by the dissolution of the Assembly, the date of the dissolution shall for the purposes of this section be deemed to be the date of the prorogation and in every such case the Clerk of the Assembly shall endorse on every Act passed at the session the day, month and year of the dissolution in lieu of the day, month and year of the prorogation. Where
Assembly
dissolved.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 15th day of February, 1945. Commence-
ment of Act.

3. This Act may be cited as *The Statutes Amendment Act, 1945*. Short title.

BILL

An Act to amend The Statutes Act.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. BLACKWELL

1945

(Second Session)

No. 9

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Statutes Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 9

1945
(Second Session)

BILL

An Act to amend The Statutes Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Statutes Act* is amended by adding thereto the following subsection: Rev. Stat., c. 2, s. 4, amended.

(3) Where a session of the Legislature is ended by the dissolution of the Assembly, the date of the dissolution shall for the purposes of this section be deemed to be the date of the prorogation and in every such case the Clerk of the Assembly shall endorse on every Act passed at the session the day, month and year of the dissolution in lieu of the day, month and year of the prorogation. Where Assembly dissolved.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 15th day of February, 1945. Commencement of Act.

3. This Act may be cited as *The Statutes Amendment Act, 1945*. Short title.

BILL

An Act to amend The Statutes Act.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. BLACKWELL

1945

(Second Session)

No. 10

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

EXPLANATORY NOTE

The purpose of the proposed subsection is to enable Dominion-incorporated life insurance companies and other companies not incorporated by the Province of Ontario but registered in Ontario to undertake rental housing projects in Ontario under section 11 of *The National Housing Act, 1944*, (Canada) without having to take out a license in mortmain under *The Mortmain and Charitable Uses Act*.

No. 10

1945
(Second Session)

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 76 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 256, s. 76, amended.

- (5) An insurer licensed for the transaction of life insurance may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business and the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon. Investment of funds in housing projects.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Insurance Amendment Act, 1945*. Short title.

BILL

An Act to amend The Insurance Act.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. BLACKWELL

1945

(Second Session)

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

No. 10

1945
(Second Session)

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 76 of *The Insurance Act* is amended by adding thereto the following subsection: Rev. Stat., c. 256, s. 76, amended.

- (5) An insurer licensed for the transaction of life insurance may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business and the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon. Investment of funds in housing projects.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Insurance Amendment Act, 1945*. Short title.

BILL

An Act to amend The Insurance Act.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. BLACKWELL

1945

(Second Session)

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Loan and Trust Corporations Act.

MR. BLACKWELL

EXPLANATORY NOTES

SECTION 1. The new subsection permits loan companies to invest in low cost or moderate cost rental housing projects in accordance with *The National Housing Act, 1944* (Canada).

SECTION 2. The new subsection enlarges the investment powers of trust companies in the same manner as subsection 6 of section 29 enacted by section 1 of this Bill enlarges the investment power of loan companies. The explanation to that section is equally applicable here.

No. 11

1945
(Second Session)

BILL

An Act to amend The Loan and Trust Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Loan and Trust Corporations Act* is Rev. Stat.,
c. 257, s. 29,
amended. amended by adding thereto the following subsection:

- (6) A registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Registrar in the purchase of land in Ontario or elsewhere in Canada where the corporation is authorized to extend its business under the provisions of section 24 and in the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon. Investment
of funds in
housing
project.

2. Section 30 of *The Loan and Trust Corporations Act* Rev. Stat.,
c. 257, s. 30,
amended. is amended by adding thereto the following subsection:

- (3) A registered trust company may invest its funds to an aggregate amount not exceeding five per centum thereof, and notwithstanding the provisions of subsection 1 of section 17 may invest moneys received for guaranteed investment or as deposits to an aggregate amount not exceeding five per centum thereof in the purchase of land in Ontario or elsewhere in Canada where the company is authorized to extend its business under the provisions of section 24 and in the construction thereon of low cost or moderate cost rental housing projects pursuant to the Investment
of funds in
housing
project.

provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

Rev. Stat.,
c. 257, s. 50,
subs. 1,
amended.

3. Subsection 1 of section 50 of *The Loan and Trust Corporations Act* is amended by striking out the words "nor more than ten years" in the third and fourth lines, so that the said subsection shall now read as follows:

Denomina-
tion and
term of
debentures.

(1) Debentures shall be for such sums, not being less than \$100, and in such currency as the directors deem advisable, and shall be payable not less than one year from the issue thereof, at such place as may be therein mentioned.

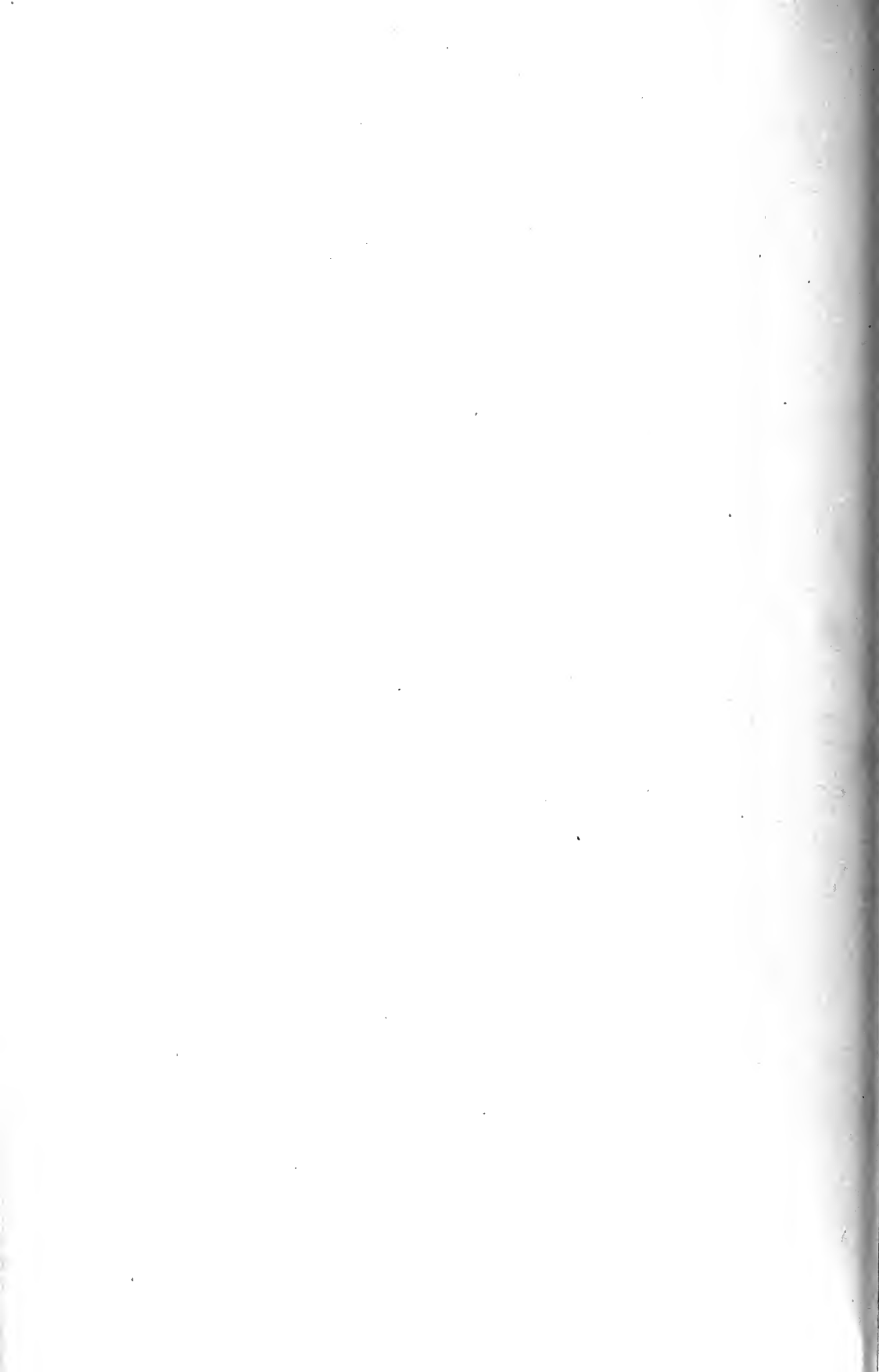
Commence-
ment of Act.

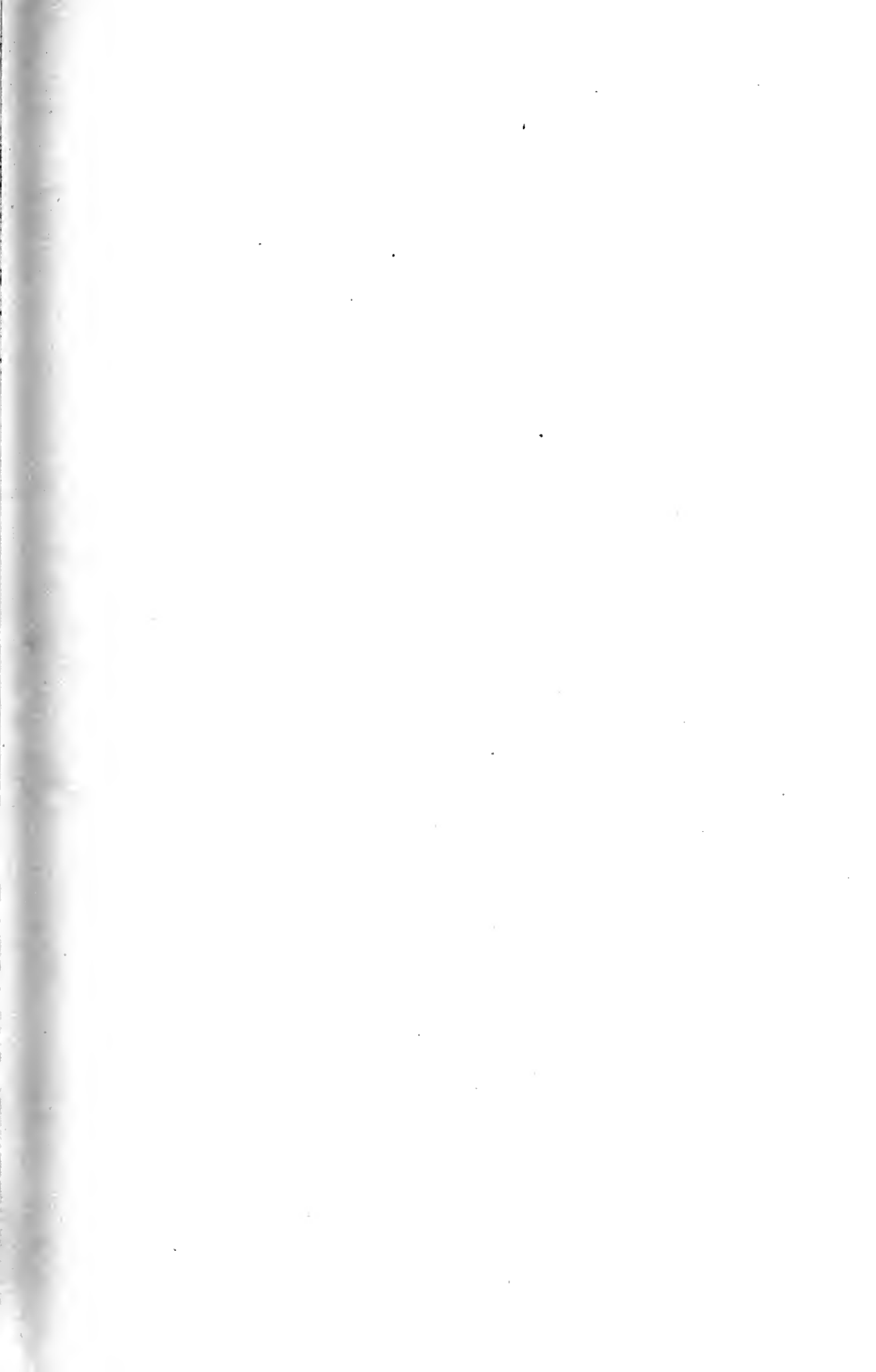
4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1945*.

SECTION 3. With loan companies being asked to participate in long term loans (20, 25 and 30 year terms) under *The National Housing Act, 1944* (Canada), the ten year limitation on their own debentures is removed.





BILL

An Act to amend The Loan and Trust
Corporations Act.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. BLACKWELL.

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act to amend The Loan and Trust Corporations Act.

MR. BLACKWELL

BILL

An Act to amend The Loan and Trust Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 29 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 257, s. 29,
amended.

- (6) A registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Registrar in the purchase of land in Ontario or elsewhere in Canada where the corporation is authorized to extend its business under the provisions of section 24 and in the construction thereon of low cost or moderate cost rental housing projects pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon. Investment
of funds in
housing
project.

2. Section 30 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 257, s. 30,
amended.

- (3) A registered trust company may invest its funds to an aggregate amount not exceeding five per centum thereof, and notwithstanding the provisions of subsection 1 of section 17 may invest moneys received for guaranteed investment or as deposits to an aggregate amount not exceeding five per centum thereof in the purchase of land in Ontario or elsewhere in Canada where the company is authorized to extend its business under the provisions of section 24 and in the construction thereon of low cost or moderate cost rental housing projects pursuant to the Investment
of funds in
housing
project.

provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, and thereafter may hold, maintain, repair, alter, demolish, reconstruct, manage, collect or receive income from, sell or convey, in whole or in part, land so acquired and the improvements thereon.

Rev. Stat.,
c. 257, s. 50,
subs. 1,
amended.

3. Subsection 1 of section 50 of *The Loan and Trust Corporations Act* is amended by striking out the words "nor more than ten years" in the third and fourth lines, so that the said subsection shall now read as follows:

Denomina-
tion and
term of
debentures.

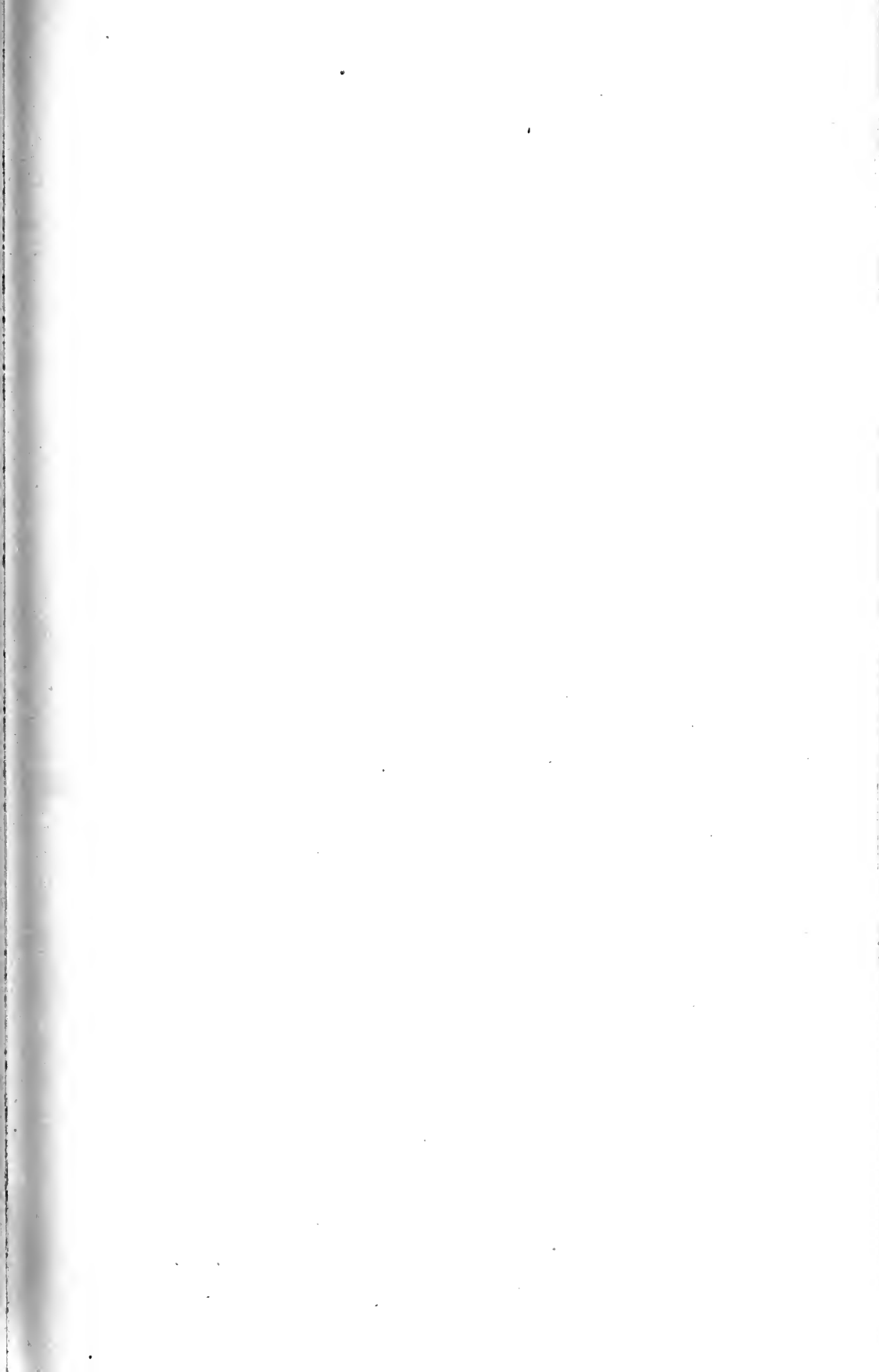
(1) Debentures shall be for such sums, not being less than \$100, and in such currency as the directors deem advisable, and shall be payable not less than one year from the issue thereof, at such place as may be therein mentioned.

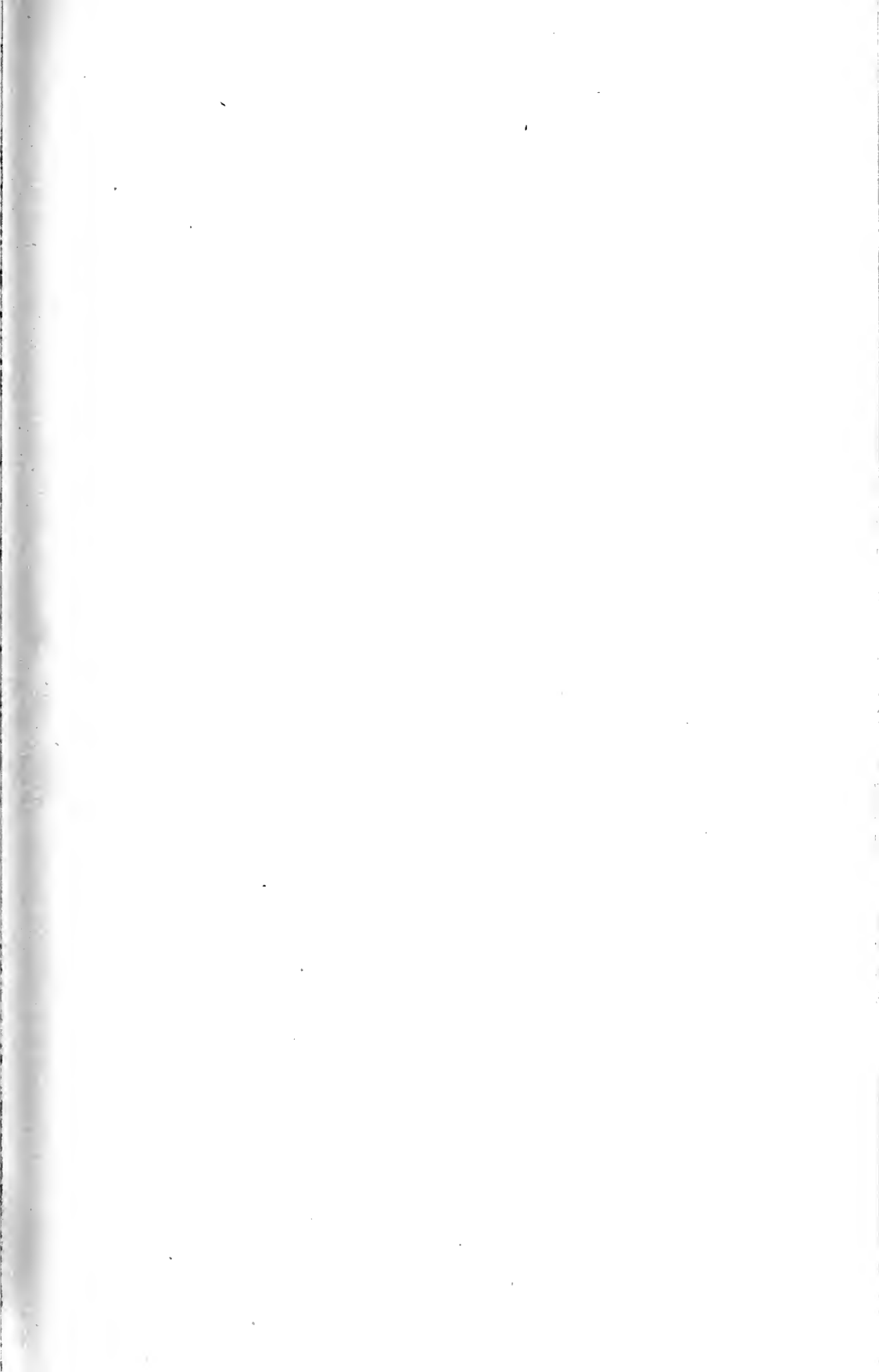
Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1945*.





BILL

An Act to amend The Loan and Trust
Corporations Act.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. BLACKWELL

1945

(Second Session)

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act respecting the Erection of Houses and Housing Accommodation
for Veterans and their Dependents.

MR. DUNBAR

EXPLANATORY NOTE

This Bill will enable any city, town, village or township to enter into agreements for the purpose of erecting houses and housing accommodation for veterans of the present war and their dependents.

No. 12

1945
(Second Session)

BILL

An Act respecting the Erection of Houses and Housing Accommodation for Veterans and their Dependents.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of a local municipality, to relieve the existing emergency in housing conditions, may,— Emergency powers of local municipality.

- (a) enter into agreements with His Majesty in right of Canada or with any corporation acting on behalf of His Majesty in right of Canada on such terms and conditions as the council may deem proper for the erection of houses or housing accommodation on land vested in His Majesty in right of Canada and situate within such local municipality or in any adjoining local municipality; and
- (b) construct and maintain roadways, highways, pavements, curbs and sidewalks, and install sanitary sewers, storm sewers, watermains and hydrants, including all connections from such sewers and watermains required to be installed within the limits of the roadway or highway for such houses or housing accommodation.

2. Where houses are or housing accommodation is to be provided pursuant to this Act, the agreement providing therefor made pursuant to section 1 shall require that such houses or housing accommodation shall, during such period as the council of the local municipality shall decide, be leased to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada is now and since the 10th day of September, 1939, has been engaged, or to their dependents or to the dependents of any sailor, soldier or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war; provided that whenever during such Use of houses by veterans.

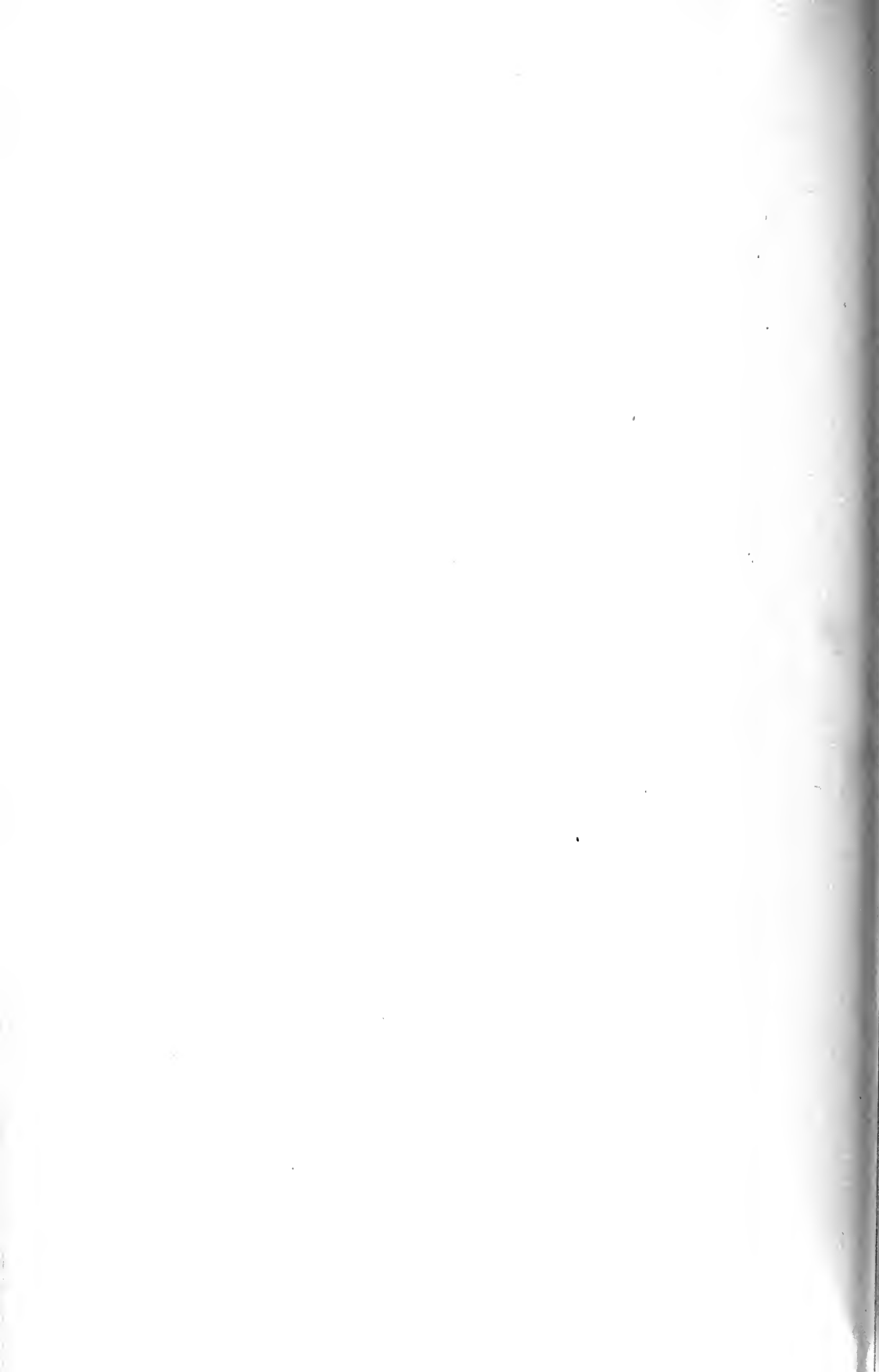
period any of the houses or housing accommodation remains vacant for such period as the agreement may provide and no persons suitable to the owner of the land of the above class or classes is available as a lessee, the provisions of this section shall not apply.

Housing in an adjoining municipality. **3.** The provisions of section 1 shall not authorize a local municipality to erect houses or housing accommodation or to install services or works in any adjoining municipality except with the consent of the council of such adjoining municipality.

Issue of debentures. **4.** A local municipality may without the assent of the electors qualified to vote on money by-laws, pass by-laws to authorize the issue of debentures to raise money for the installation of any of the services or works authorized by this Act.

Commencement of Act. **5.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **6.** This Act may be cited as *The Veterans Housing Act, 1945*.





An Act respecting the Erection of Houses
and Housing Accommodation for
Veterans and their Dependents.

1st Reading

July 16th, 1945

2nd Reading

3rd Reading

MR. DUNBAR

1945
(Second Session)

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act respecting the Erection of Houses and Housing Accommodation
for Veterans and their Dependents.

MR. DUNBAR

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTE

This Bill will enable any city, town, village or township to enter into agreements for the purpose of erecting houses and housing accommodation for veterans of the present war and their dependents.

BILL

An Act respecting the Erection of Houses and Housing Accommodation for Veterans and their Dependents.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of a local municipality, to relieve the existing emergency in housing conditions, may,— Emergency powers of local municipality.

(a) enter into agreements with His Majesty in right of Canada or with any corporation acting on behalf of His Majesty in right of Canada on such terms and conditions as the council may deem proper for the erection of houses or housing accommodation on land vested in His Majesty in right of Canada and situate within such local municipality or in any adjoining local municipality; and

(b) construct and maintain roadways, highways, pavements, curbs and sidewalks, and install sanitary sewers, storm sewers, watermains and hydrants, including all connections from such sewers and watermains required to be installed within the limits of the roadway or highway for such houses or housing accommodation.

2. Where houses are or housing accommodation is to be provided pursuant to this Act, the agreement providing therefor made pursuant to section 1 shall require that such houses or housing accommodation shall, during such period as the council of the local municipality shall decide, be leased to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada is now and since the 10th day of September, 1939, has been engaged, or to their dependents or to the dependents of any sailor, soldier or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war; provided that whenever during such Use of houses by veterans.

period any of the houses or housing accommodation remains vacant for such period as the agreement may provide and no persons suitable to the owner of the land of the above class or classes is available as a lessee, the provisions of this section shall not apply.

Housing in
an adjoining
municipality.

3. The provisions of section 1 shall not authorize a local municipality to erect houses or housing accommodation or to install services or works in any adjoining municipality except with the consent of the council of such adjoining municipality.

Issue of
debentures.

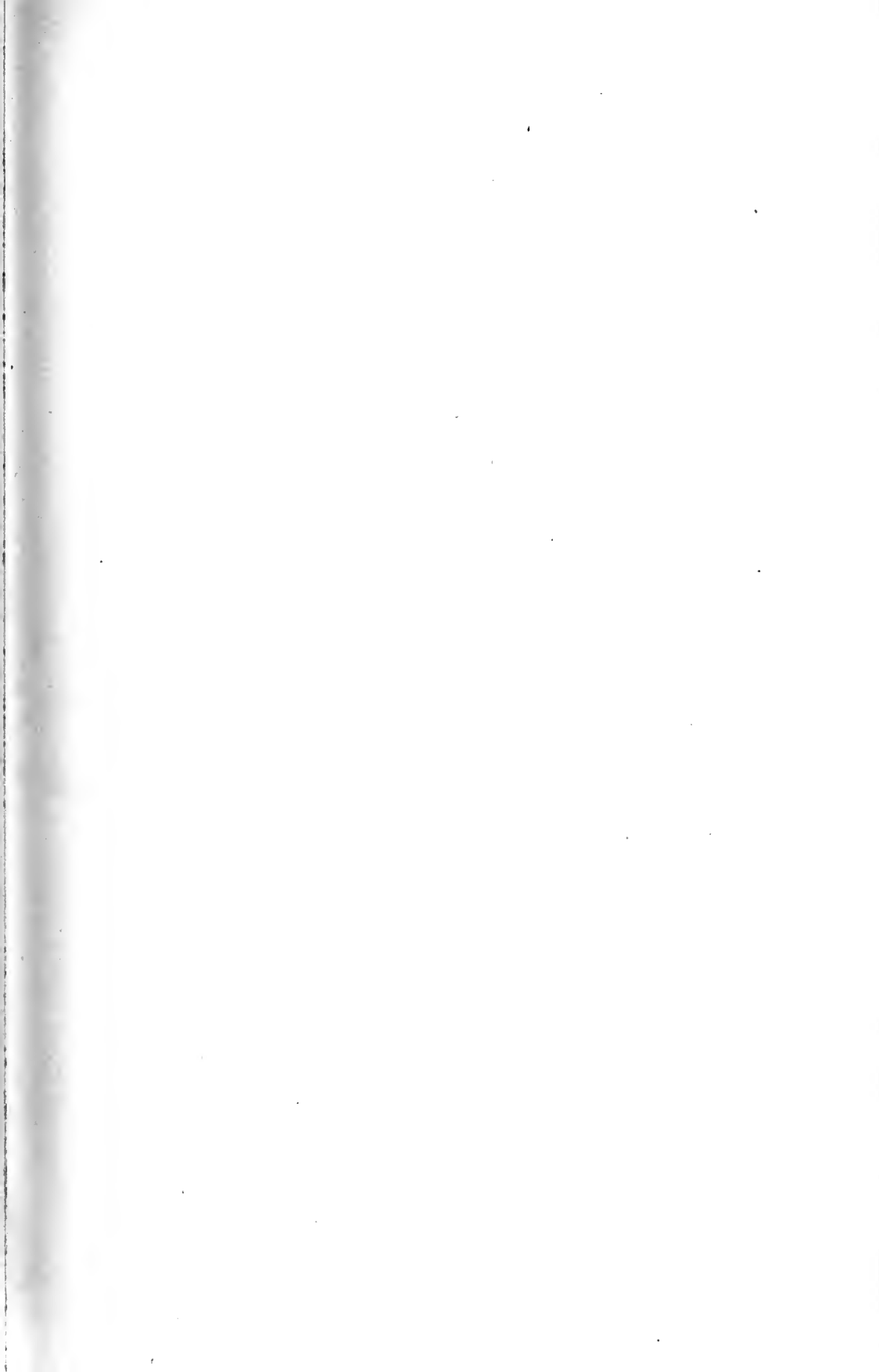
4. A local municipality may without the assent of the electors qualified to vote on money by-laws, pass by-laws to authorize the issue of debentures to raise money for the installation of any of the services or works authorized by this Act.

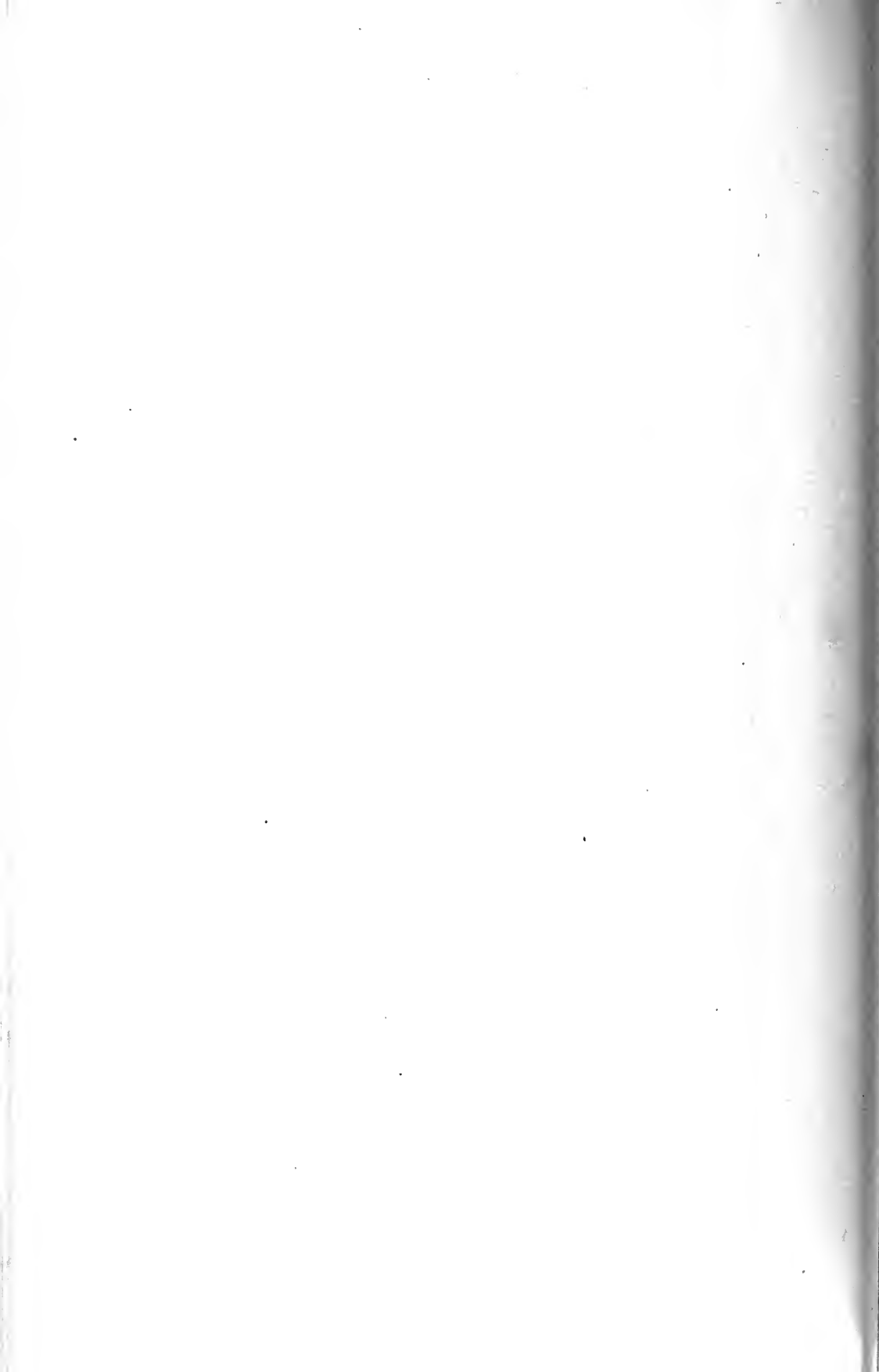
Commence-
ment of Act;
retroactive
effect.

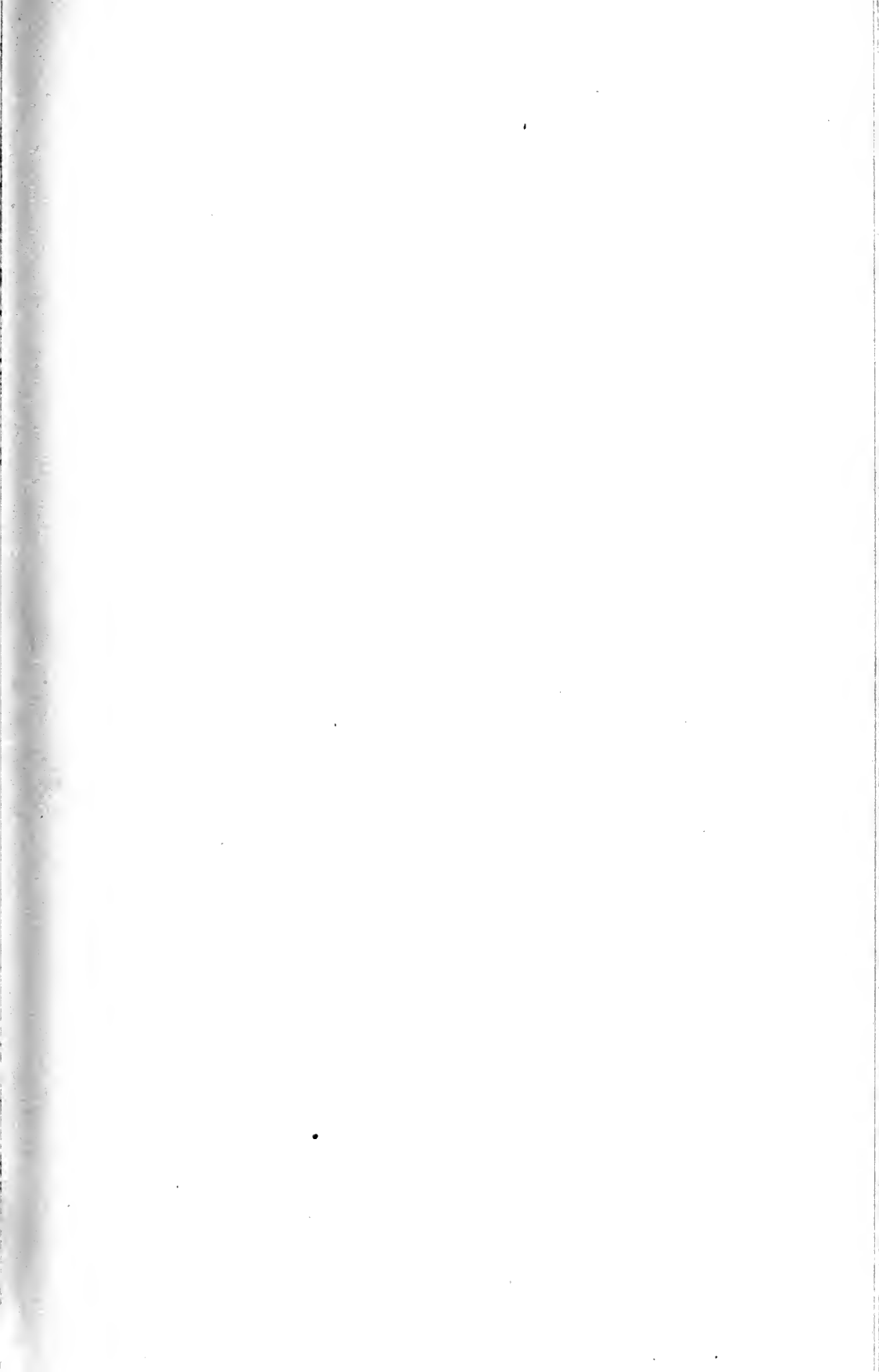
5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 26th day of June, 1945.

Short title.

6. This Act may be cited as *The Veterans Housing Act, 1945.*







BILL

An Act respecting the Erection of Houses
and Housing Accommodation for
Veterans and their Dependents.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

MR. DUNBAR

*(Reprinted as amended in Committee
of the Whole House.)*

1945

(Second Session)

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

**An Act respecting the Erection of Houses and Housing Accommodation
for Veterans and their Dependents.**

MR. DUNBAR

BILL

An Act respecting the Erection of Houses and Housing Accommodation for Veterans and their Dependents.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of a local municipality, to relieve the existing emergency in housing conditions, may,— Emergency powers of local municipality.

(a) enter into agreements with His Majesty in right of Canada or with any corporation acting on behalf of His Majesty in right of Canada on such terms and conditions as the council may deem proper for the erection of houses or housing accommodation on land vested in His Majesty in right of Canada and situate within such local municipality or in any adjoining local municipality; and

(b) construct and maintain roadways, highways, pavements, curbs and sidewalks, and install sanitary sewers, storm sewers, watermains and hydrants, including all connections from such sewers and watermains required to be installed within the limits of the roadway or highway for such houses or housing accommodation.

2. Where houses are or housing accommodation is to be provided pursuant to this Act, the agreement providing therefor made pursuant to section 1 shall require that such houses or housing accommodation shall, during such period as the council of the local municipality shall decide, be leased to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada is now and since the 10th day of September, 1939, has been engaged, or to their dependents or to the dependents of any sailor, soldier or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war; provided that whenever during such Use of houses by veterans.

period any of the houses or housing accommodation remains vacant for such period as the agreement may provide and no persons suitable to the owner of the land of the above class or classes is available as a lessee, the provisions of this section shall not apply.

Housing in
an adjoining
municipality.

3. The provisions of section 1 shall not authorize a local municipality to erect houses or housing accommodation or to install services or works in any adjoining municipality except with the consent of the council of such adjoining municipality.

Issue of
debentures.

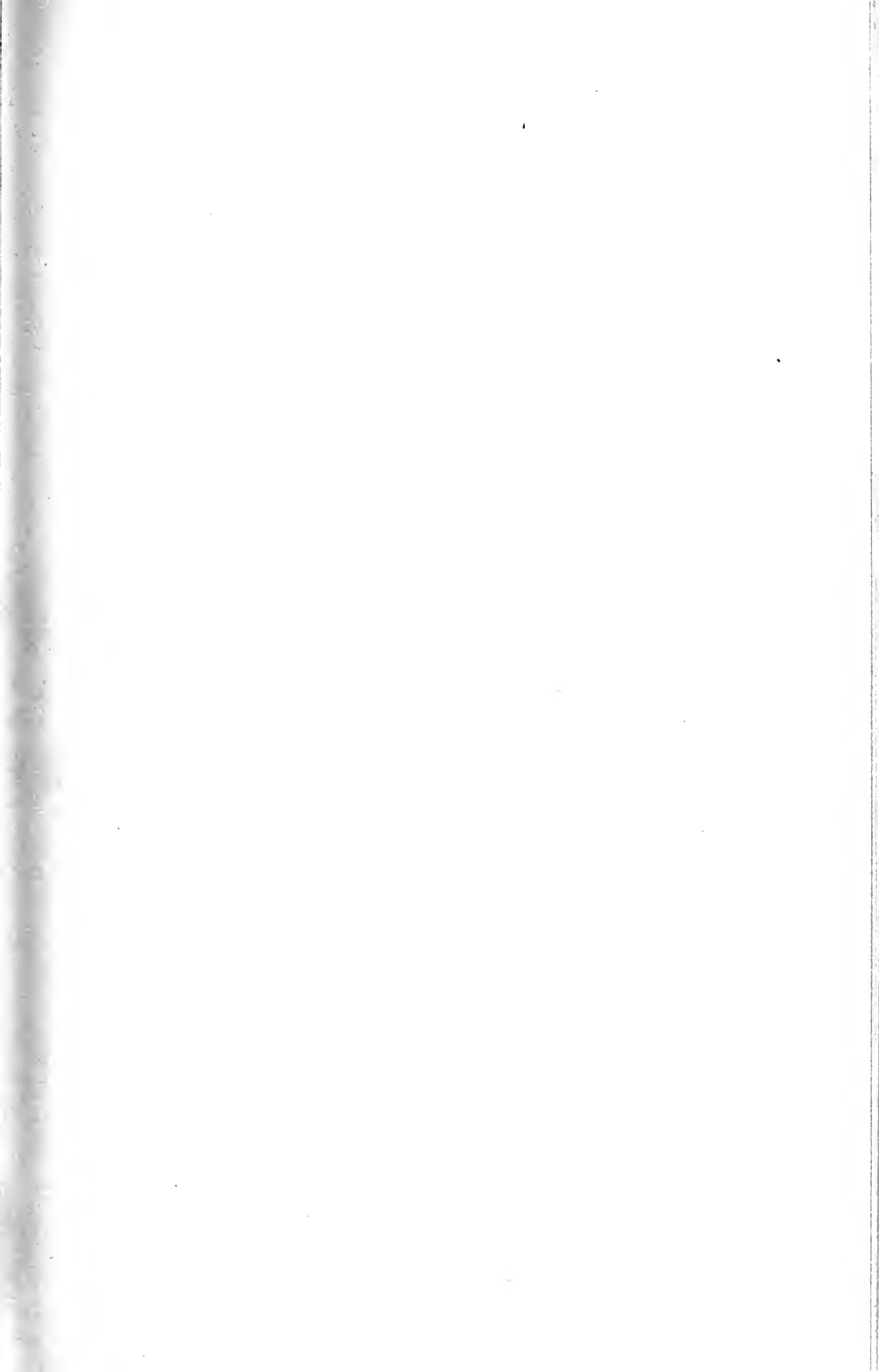
4. A local municipality may without the assent of the electors qualified to vote on money by-laws, pass by-laws to authorize the issue of debentures to raise money for the installation of any of the services or works authorized by this Act.

Commence-
ment of Act;
retroactive
effect.

5. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 26th day of June, 1945.

Short title.

6. This Act may be cited as *The Veterans Housing Act, 1945*.



BILL

An Act respecting the Erection of Houses
and Housing Accommodation for
Veterans and their Dependents.

1st Reading

July 16th, 1945

2nd Reading

July 17th, 1945

3rd Reading

July 19th, 1945

MR. DUNBAR

1945

(Second Session)

1ST SESSION, 22ND LEGISLATURE, ONTARIO
9 GEORGE VI, 1945 (SECOND SESSION)

BILL

An Act for granting to His Majesty certain sums of money for the
Public Service of the financial year ending the 31st day of
March, 1945, and for the Public Service of the financial
year ending the 31st day of March, 1946.

MR. FROST

No. 13

1945
(Second Session)

BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1945, and for the Public Service of the financial year ending the 31st day of March, 1946.

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from the Honourable Preamble.
Albert Matthews, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1945, and for the financial year ending the 31st day of March, 1946, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) From and out of the Consolidated Revenue Fund \$8,808,-
000.00
of this Province, there may be paid and applied a sum not granted for
fiscal year
1944-45.
exceeding in the whole eight million, eight hundred and eight thousand dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1944, to the 31st day of March, 1945, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based.

(2) From and out of the Consolidated Revenue Fund \$81,317,-
476.30
of this Province, there may be paid and applied a sum not granted for
fiscal year
1945-46.
exceeding in the whole eighty-one million, three hundred and seventeen thousand, four hundred and seventy-six dollars and thirty cents towards defraying the several charges and expenses of the public service of this Province, not otherwise provided

for, from the 1st day of April, 1945, to the 31st day of March, 1946, as set forth in schedule B to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based: Provided the amount hereby authorized to be paid and applied in respect of each item, set forth in said schedule B, shall be deemed to include and not to be in addition to, the amount authorized for each such item by Special Warrants issued by the Lieutenant-Governor under Orders-in-Council dated the 12th day of April, the 12th day of May and the 1st day of June, 1945, amounting in the whole to the sum of eighteen million, one hundred and six thousand, three hundred and twenty dollars and ninety-nine cents.

Accounts to
be laid
before
Assembly.

2.—(1) Accounts in detail of all moneys received on account of this Province during the financial year 1944-45 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1945.

Idem.

(2) Accounts in detail of all moneys received on account of this Province during the financial year 1945-46 and of all expenditures under schedule B of this Act shall be laid before the Legislative Assembly at the first sitting after the completion of the said financial year.

Appropriations for
1944-45
unexpended
to lapse.

3.—(1) Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1945, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat.,
c. 24.

Appropriations for
1945-46
unexpended
to lapse.

(2) Any part of the money under schedule B appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1946, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Rev. Stat.,
c. 24.

Accounting
for expenditure.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

5. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

6. This Act may be cited as *The Supply Act, 1945*.

Short title.

SCHEDULE "A"

1944-45

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-five to defray expenses of:

Education Department.....\$8,808,000.00

SCHEDULE "B"

1945-46

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and forty-six to defray expenses of:

Agriculture Department.....	\$2,858,182.75
Attorney-General's Department.....	3,455,130.00
Education Department.....	23,306,530.00
Game and Fisheries Department.....	751,400.00
Health Department.....	12,326,190.00
Highways Department.....	1,496,800.00
Insurance Department.....	68,400.00
Labour Department.....	1,370,581.55
Lands and Forests Department..	3,792,000.00
Legislation.....	273,575.00
Lieutenant-Governor's Office....	10,200.00
Mines Department.....	516,000.00
Municipal Affairs Department..	241,072.00
Planning and Development Department.....	92,000.00
Prime Minister's Department...	254,500.00
Provincial Auditor's Office.....	118,500.00
Provincial Secretary's Depart- ment.....	2,439,940.00
Provincial Treasurer's Depart- ment.....	1,678,975.00
Public Welfare Department.....	24,776,000.00
Public Works Department.....	1,391,500.00
Miscellaneous.....	100,000.00

Total estimates for expenditure of 1945-
1946.....\$81,317,476.30



BILL

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1945, and for the Public Service of the financial year ending the 31st day of March, 1946.

1st Reading

July 18th, 1945

2nd Reading

July 18th, 1945

3rd Reading

July 18th, 1945

MR. FROST

1945

(Second Session)



No. 1

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Village of Swansea.

MR. ALLAN

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Village of Swansea.

WHEREAS the Corporation of the Village of Swansea Preamble.
has by the petition prayed for special legislation in
respect of the Ellis Avenue watermain, the water works system
and the supply of water; and whereas it is expedient to grant
the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. By-law No. 946 of the Corporation of the Village of Ellis Ave.
watermain
by-law
validated.
Swansea, passed on the 15th day of February, 1944, to author-
ize the purchase from the City of Toronto of a watermain on
Ellis Avenue from Morningside Avenue to the South Village
Limit and the construction of hydrants, stop-cocks, valves,
appliances and accessories thereto as a local improvement,
set out as schedule A hereto, is hereby validated and confirmed
and declared to be legal, valid and binding upon the Corpora-
tion of the Village of Swansea and the ratepayers thereof.

2. The agreement made between the Corporation of the Waterworks
system
agreement
validated.
Village of Swansea and the Corporation of the Township of
York, dated the 12th day of April, 1944, set out as schedule B
hereto, is hereby validated and confirmed and declared to be
legal, valid and binding upon the parties thereto.

3. The agreement made between the Corporation of the Water
supply
agreement
validated.
Village of Swansea and the Corporation of the City of Toronto,
dated the 21st day of March, 1944, set out as schedule C
hereto, is hereby validated and confirmed and declared to be
legal, valid and binding upon the parties thereto.

4. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

5. This Act may be cited as *The Village of Swansea Act*, Short title.
1946.

SCHEDULE A

BY-LAW No. 946

To authorize the construction as a local improvement under the provisions of *The Local Improvement Act* of the purchase from the City of Toronto of a 12-inch watermain now in place on Ellis Avenue from Morningside Avenue to the South Village Limit and to construct hydrants, stop-cocks, valves, appliances and accessories.

WHEREAS it is expedient that the construction of the purchase from the City of Toronto of a 12-inch watermain now in place on Ellis Avenue from Morningside Avenue to the South Village Limit and to construct hydrants, stop-cocks, valves, appliances and accessories should be undertaken as a local improvement and notice of the intention of the Council to undertake such work has been duly published;

AND WHEREAS the said work has been approved by the Ontario Department of Health;

NOW THEREFORE the Municipal Council of the Corporation of the Village of Swansea enacts as follows:

1. That the construction of the purchase from the City of Toronto of a 12-inch watermain now in place on Ellis Avenue from Morningside Avenue to the South Village Limit and to construct hydrants, stop-cocks, valves, appliances and accessories shall be undertaken in the Village of Swansea as a local improvement pursuant to the provisions of *The Local Improvement Act*.

2. That the Engineer of the Corporation do forthwith make such plans, profiles and specifications and furnish such informations as may be necessary for the making of a contract for the execution of the work.

3. That the work shall be carried on and executed under the superintendence and according to the instructions of such Engineer.

4. That the Reeve and Clerk are authorized to cause a contract for the construction of the work to be made and entered into with some person, persons, firm or corporation, subject to the approval of this Council, to be declared by resolution.

5. That the Treasurer may, subject to the approval of the Council, agree with any bank or person for temporary advances of money to meet the cost of work pending the completion of it.

6. That the special assessment shall be paid in 10 annual instalments.

7. That the debentures to be issued for the loan to be effected to pay for the cost of the work when completed shall bear interest at not more than $3\frac{1}{2}$ per cent. per annum and be made payable within 10 years on the instalment plan.

8. That any person whose lot is specially assessed may commute for a payment in cash the special rates imposed thereon by paying the portion of the cost of construction assessed upon such lot without the interest forthwith, after the special assessment roll has been certified by the Clerk and at any time thereafter by the payment of such sum as when invested at 4 per cent. per annum will provide an annuity sufficient to pay the special rates for the unexpired portion of the term as they fall due.

Dated and passed this 15th day of February, 1946, by a vote of two-thirds of all the members of the Council.

(Seal)

W. E. BRANDON,
Deputy-Reeve.

N. L. IVEY,
Clerk.

SCHEDULE B

MEMORANDUM OF AGREEMENT made this 12th day of April, 1944.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE FIRST PART;

—and—

THE CORPORATION OF THE VILLAGE OF SWANSEA, herein-
after called the "Village",

OF THE SECOND PART.

WHEREAS the Village, which formerly comprised part of the Township of York, was incorporated as a municipality separate and apart from the Township as of the 15th day of December, 1925; and

WHEREAS the area which now comprises the Village formed part of Waterworks Area "B" in the Township of York; and

WHEREAS since incorporation of the said Village the Township has continued to operate the waterworks system and to serve water consumers in the Village as though it had remained in Waterworks Area "B" as part of the Township; and

WHEREAS since its incorporation the Village has issued certain Debentures to provide for the cost of all new waterworks installation within the limits of the Village; and the Township has contributed 70.38 percent of the Corporation's or Area's share of the annual payments of all watermain installations both in the Village and the remainder of Waterworks Area "B" until the end of the year 1938, after which date such debenture payments were charged against the profits of the waterworks system and a hydrant rental charge was imposed by the waterworks system for all fire hydrants in the Township and Village; and

WHEREAS since its incorporation the Village has paid 29.62 percent of the annual payments of the Corporation's or Area's share of Debentures issued by the Village or the Township for all watermains within the Village and the remainder of Waterworks Area "B" until the end of the year 1938, after which date such debenture payments were charged against the profits of the waterworks system and a hydrant rental charge was imposed by the waterworks system for all fire hydrants in the Township and Village; and

WHEREAS by agreement dated the 1st day of August, 1942, the Township did, subject to certain reservations contained therein, transfer set over and assign to the Village of Forest Hill all that part of the waterworks system situate within the limits of the said Village upon the terms and subject to the provisions set forth in the said agreement, and the said Village of Forest Hill has from and after the 1st day of September, 1942, subject as aforesaid, owned and operated that part of the waterworks system situate within its limits; and

WHEREAS the Parties hereto have agreed that the Village shall take over the operation and control of that part of the waterworks system within the limits of the Village, on from and after the 1st day of May, 1944; and

WHEREAS after adjusting the respective rights and claims between the Township and the Village arising out of the operation of the said waterworks system by the Township from the date of incorporation of the Village, including adjustment of assets and liabilities of the entire waterworks system, it has been agreed as hereinafter set forth;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in considera-

tion of the premises and of the covenants and obligations hereinafter contained it is hereby agreed by and between the Parties hereto as follows:

1. That the Village shall on, from and after the 1st day of May, 1944, take over and thereafter be the absolute owner of and solely responsible for the management and operation of that part of the waterworks system located within the limits of the Village of Swansea including, but so as not to restrict the generality of the foregoing, all watermains, valves, hydrants, meters and meter chambers (including any meters, valves and meter chambers on any boundary between the Village and the City of Toronto) all appliances and appurtenances connected with the said watermains, all water services within the public highways, and all service meters installed in customers premises so located within the limits of the said Village;

2. That the Township shall from and after the first day of May, 1944, take over and thereafter be the absolute owner of and solely responsible for the management and operation of that part of the waterworks system located within the limits of the Township of York including, but so as not to restrict the generality of the foregoing, all watermains, valves, hydrants, meters and meter chambers (including any meters, valves and meter chambers on any boundary between the Township and the City of Toronto) all appliances, and appurtenances connected with the said watermains, all water services within the public highways and all service meters installed in any customers premises so located within the limits of the said Township.

3. That the Village shall in good time and at its own expense do all necessary work and supply all necessary material to provide for the complete physical separation of the waterworks system between the said village and the said township and for the supply of water from the City of Toronto to the Village including the installation or rearrangement of all mains, valves, meters, meter chambers, sealing of valves, etc., and including the removal of the two meters in Ellis Avenue at Grenadier Heights and at Woodland Heights and the installation of one of the said meters at or near the City Limits on Ellis Avenue; which physical separation shall take place as of 12.01 a.m. on Monday, May 1st, 1944, and all such work of disconnection from the Township Waterworks System shall be subject to the supervision and approval of the Commissioner of Works of the said Township.

4. That the Village hereby authorizes and requests the Township to perform on behalf of and at the expense of the Village the following works necessary for the separation of the said waterworks system, namely:

- (a) The installation of the 6" watermain across Bloor Street at or near Mossom Road.
- (b) The removal of the two meters now situate on Ellis Avenue at Grenadier Heights and Woodland Heights respectively.
- (c) the construction of meter chamber, installation of the one meter removed from Ellis Avenue at Grenadier Heights, by-pass, valves, etc., in Ellis Avenue at the City Limits.

The cost of performing such work, including the supply of necessary materials in connection therewith, shall be paid by the Village to the Township upon completion of same on the basis of cost of labour and materials plus fifteen percent added thereon, and may at the option of the Township be deducted from any sum payable by the Township to the Village under the terms of this agreement.

5. That the Village hereby covenants and agrees with the Township that it has assumed and paid the instalments of principal and interest which fell due in the year 1943, and that it will assume and pay all the instalments of principal and interest which fall due in the year 1944 and in each and every year thereafter on debentures heretofore and hereafter issued by the Village to pay for the cost of any watermains, appliances, and appurtenances purchased or installed by the Village since its incor-

puration and will likewise, from and after the said date, pay the cost of any such watermains, appurtenances and appliances which are now or which may hereafter be installed or purchased by the Village in respect of which no debentures have been issued.

6. That the Township hereby covenants and agrees with the Village that it has assumed and paid the instalments of principal and interest which fell due in the year 1943, and that it will indemnify and save harmless the Village from and against any and all liability for payment of any debentures heretofore issued by the Township and pay for the cost of any watermains, appliances and appurtenances purchased and installed by the Township as part of Waterworks System in Waterworks Area "B" of the Township including capital debentures issued by the Township for mains installed prior to December 31st, 1942, by the Township in that part of Waterworks Area "B" which is now the Village of Swansea; and will likewise indemnify and save harmless the Village from and against any and all liability in respect of the cost of any such watermains, appurtenances and appliances which may now or may hereafter be installed or purchased by the Township in that part of Waterworks Area "B" within the limits of the Township and in respect of which no debentures have been issued.

7. (a) The Township hereby covenants and agrees with the Village that it, the said Township, will pay to the Village the sum of \$22,385.27 made up as follows:

Settlement in full of all claims by the Village made against the Township in respect of the assets of the said waterworks system, including any surpluses up to the 31st day of December, 1942.....	\$14,000.00
Village's proportion of surplus from Waterworks System for the year 1943.....	4,269.20
Village's portion of surplus from Waterworks System for the period from January 1st to May 1st, 1944.....	1,411.40
Settlement of overcharges made by the Township of the Village in error during preceding years.....	2,704.67
Total.....	<u>\$22,385.27</u>

(b) Payment of the said sum may be satisfied in whole or in part by delivery by the Township to the Village of accounts due by consumers within the Village for water consumption prior to separation. Any balance over and above the total of such accounts shall be paid by the Township to the Village in cash on or before the 30th day of June, 1944.

8. That the Village shall be under no obligation to pay to the Township any fire hydrant rentals whatever for and in respect of the years 1943 and 1944 and the Township hereby releases the Village from all claims for rentals for fire hydrants situate within the Village for the said years 1943 and 1944.

9. That the Village hereby grants, quit claims and releases to the Township all its right, title and interest in and to any and all of the assets and undertaking of the said waterworks system (except as herein expressly conveyed to the Village) including but not so as to limit the generality of the foregoing, all trucks, office equipment, waterworks stores, cash surpluses and reserves, watermains, meters, appliances and appurtenances, including any such assets heretofore transferred by the Township to the Corporation of the Village of Forest Hill; and the Village doth hereby release the Township of and from any and all claims, suits, actions and demands, of every nature and kind whatsoever and howsoever relating to or arising out of the waterworks system and its assets which at any time were owned or operated by the Township.

10. That the Township shall forthwith after the 1st day of May, 1944, deliver to the Village all original plans in its possession which relate solely to that portion of the waterworks system within the limits of the Village, together with all meter books, consumer ledger records, water service installation sheets, and other documents which relate solely to that part of the waterworks system within the limits of the Village.

11. That the Township agrees that forthwith after the first day of May, 1944, it will pay over to the Village all security deposits then held by the Township in respect of water consumer premises situate wholly within the limits of the Village, and the Village hereby covenants to indemnify and save harmless the Township of and from any and all claims, actions, suits and demands, for or in respect of and in any way arising out of such consumer deposits so paid over.

12. The Township and the Village hereby agrees each with the other that in respect of the buildings now erected or which may hereafter be erected abutting on Bloor St., Traymore Crescent, Mossom Road or Riverview Gardens, and which are or may be erected on parcels of land partially or wholly located within the Village or on parcels of land partially or wholly located within the Township, that the whole of any such building shall be served with water by the Municipality whose main is located opposite the frontage of any such building.

13. It is hereby agreed by and between the Village and the Township that after the first day of May, 1944, each municipality will notify the other thirty days in advance of the date of any change in the rates at which such municipality sells water to their domestic, institutional or industrial consumers.

14. This agreement is subject to the terms of an agreement entered into between the Township and the Corporation of the City of Toronto dated the 10th day of April, 1944, respecting the supply of water.

This agreement shall enure to the benefit of and be binding on the Parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the Corporate Seal of the Township has been hereto affixed under the hands of its Reeve and Clerk, and the Corporate Seal of the Village has been hereto affixed under the hands of its Reeve and Clerk.

THE CORPORATION OF THE TOWNSHIP OF YORK.

F. J. MACRAE,
Reeve.

(Seal)

HOWARD A. HALL,
Clerk.

THE CORPORATION OF THE VILLAGE OF SWANSEA.

C. C. DOWNEY,
Reeve.

(Seal)

N. L. IVEY,
Clerk.

SCHEDULE C

THIS AGREEMENT, made in triplicate this 21st day of March, one thousand nine hundred and forty-four,

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE VILLAGE OF SWANSEA, hereinafter called "the Village",

OF THE SECOND PART.

WHEREAS by an Agreement (hereinafter referred to as "the Original Agreement"), dated the 18th day of July, 1916, made between the City and The Corporation of the Township of York (such Township being hereinafter referred to as "the Township"), the City agreed to supply water to the Township at the rates therefor and upon the terms and conditions as in the Original Agreement set forth; and

WHEREAS at the time of the execution and delivery of the Original Agreement the areas now comprising respectively the municipality of the Village of Forest Hill and the municipality of the Village of Swansea (the area now comprising the municipality of the Village of Swansea being hereinafter referred to as "the Area"), formed part of the area of the municipality of the Township of York as then existing; and

WHEREAS by an amending Agreement dated the 20th day of June, 1938, made between the City and the Township, the Original Agreement was amended by reducing the rates to be paid by the Township for the water supplied by the City thereunder to the amounts as in such Amending Agreement set forth, and by a further Amending Agreement dated the 6th day of July, 1942, also made between the City and the Township, the Original Agreement as so amended was further amended by providing, *inter alia*, for a supply of water by the City direct to The Corporation of the Village of Forest Hill as and from the 1st day of September, 1942; and

WHEREAS the City is the owner of the twelve-inch (12") water main on that portion of Ellis Avenue within the limits of the municipality of the Village of Swansea lying between Morningside Avenue and the south limit of the municipality of the Village of Swansea, such main having become the property of the City upon the annexation by the City of the municipality of the Town of West Toronto Junction, and is supplying water from such main to certain residences fronting or abutting such portion of the said Ellis Avenue, such twelve-inch main and such residences served therefrom being hereinafter referred to respectively as "the Ellis Avenue Main" and "the Ellis Avenue Residences"; and

WHEREAS the Village and the residents thereof, except the Ellis Avenue Residences, since the date of the incorporation of the Village have been supplied with water by the Township, the water so supplied to the Village and such residents being part of the water supplied by the City to the Township under the provisions of the Original Agreement, amended as aforesaid; and

WHEREAS the Village and the Township have agreed to separate their respective Waterworks Distribution Systems as of the First day of May, 1944, and the Village has applied to the City for a supply of water to the Village direct on and after such date, and the Township has requested the City to charge the Township after such date only for the water supplied by the City to the Township for the area comprising the municipality of the Township of York as now existing, the properties within the limits of the municipality of the Village of Forest Hill now being supplied with

water from the water supply of the Township and for such other properties within the limits of the municipality of the Village of Forest Hill as hereafter from time to time may be supplied with water from the water supply of the Township; and

WHEREAS the quantity of water supplied by the Township to the Area, except the Ellis Avenue Residences, is now measured by meters owned by the Township and placed at the following six (6) locations within the municipalities of the Village of Swansea and the City of Toronto, namely; on Bloor Street West at or about Jane Street, at Windermere Avenue, at Runnymede Road and at Harcroft Road, and on Ellis Avenue at Grenadier Heights and at Woodland Heights, such meters with the exception of the two meters located on the said Ellis Avenue being hereinafter referred to as "the Old Meters"; and

WHEREAS in order to measure the quantity of water to be supplied by the City to the Area on and after the said First day of May, 1944, the Village and the Township have agreed to transfer the ownership of the Old Meters from the Township to the Village, to remove, without any expense whatsoever to the City, the said two meters on the said Ellis Avenue at Grenadier Heights and at Woodland Heights and to install, without any expense whatsoever to the City but at the sole expense of the Village a meter on the said Ellis Avenue at or about the south boundary of the municipality of the Village of Swansea, such last mentioned meter being hereinafter referred to as "the New Meter"; and

WHEREAS in order to carry out the said separation of the respective Waterworks Distribution Systems of the Village and the Township, the Village has agreed with the Township, amongst other things, to supply with water when required that small portion of the municipality of the Township of York lying to the north of the said Bloor Street West and west of Jane Street where the boundary lines of the municipalities of the City of Toronto, the Township of York and the Village of Swansea contact, which small portion is at present unimproved and is hereinafter referred to as "the township Area"; and

WHEREAS as appears by Reports Nos. 13 and 5 of the Committee on Works of the City adopted in Council on the 18th day of October, 1943, and on the 20th day of March, 1944, respectively, it was recommended that the aforesaid request of the Township be granted upon certain terms and conditions and that the aforesaid application of the Village for a supply of water direct to the Village be granted upon the terms and conditions hereinafter set forth:

NOW THEREFORE THIS AGREEMENT WITNESSETH, that the parties hereto hereby mutually covenant and agree each with the other as follows:

1. That the City on and after the First day of May, 1944, will supply water to the Village, and such water shall be supplied in such manner and at such locations within the municipalities of the Village of Swansea and the City of Toronto, including the sites of the Old Meters and the New Meter, and at such points of contact between such two municipalities, all as shall be determined from time to time during the currency of these presents by the Commissioner of Works of the City, such official being hereinafter referred to as "the Commissioner."

2. The supply of water to the Village provided for by this Agreement shall be metered at the locations and points of contact mentioned in the next preceding paragraph in order to measure the quantity of the same, and the Village shall pay the purchase price and cost of installation of all such meters, recorders, recorder houses, meter houses, meter chambers, drains and/or everything connected therewith (including but without limiting the generality of the foregoing, the cost of altering any such meters and/or providing other meters in substitution when, in the opinion of the Commissioner, the capacity of any of such meters has reached the limit for accurate registration), and the City shall maintain such meters in repair, free of cost to the Village; PROVIDED, HOWEVER, that all such meters, recorders, recorder houses, meter houses, meter chambers, drains, alterations and/or replacement meters and/or everything connected therewith, shall be first approved by the Commissioner; and PROVIDED, HOW-

EVER, further, that the Village shall, at its own cost, continuously and adequately heat all recorder houses during the winter months and at other times as required by the Commissioner.

3. The Village, from time to time during the currency of these presents will pay the City for water supplied under the provisions of this Agreement at the rate of Seventeen Cents (17 cts.), per one thousand Imperial gallons, forthwith upon receipt of accounts therefor from the City; PROVIDED, and it is hereby expressly declared and agreed by and between the parties hereto, that the quantity or quantities of water supplied to be so paid for from time to time by the Village shall be the quantity or quantities from time to time recorded by the meters at the locations and points of contact mentioned in paragraph No. 1 hereof; PROVIDED, FURTHER, that if the Village makes payment to the City within fifteen (15) days after the receipt of any such account the Village shall be entitled to deduct therefrom a discount of one cent (1 ct.), per one thousand Imperial gallons, making a net rate to the Village for water supplied hereunder of Sixteen Cents (16 cts.), per one thousand Imperial gallons.

4. That if, and whenever during the currency of these presents, the meters at the locations and/or points of contact mentioned in paragraph No. 1 hereof, or any of them, shall for any reason fail to record accurately, or fail to record at all, then the quantity of water which shall have passed through such meter or meters so failing, during the period of failure, shall be computed on the basis of the previous or subsequent registration of the meter or meters so failing as the Commissioner shall determine, and such computation shall be deemed to be the quantity of water passed by such meter or meters so failing, during the period of failure, and shall be the gallonage to be used in ascertaining the quantity or quantities of water to be paid for by the Village under the provisions of these presents.

5. The Village shall not be entitled to any rebate from the City on account of water registered or passed by the meters at the locations and points of contact mentioned in paragraph No. 1 hereof, or any of them, and for which the City may call upon the Village to pay.

6. The Village, at its own expense, will supply and install under the supervision and inspection of the Commissioner and according to plans, profiles and specifications approved of by the Commissioner, all the mains, hydrants, valves, recorders, meters, meter chambers, meter houses, apparatus and services necessary to serve the Area and the Township Area with the water supplied by the City to the Village under this Agreement, and the Village will pay to the City the cost of such supervision and inspection.

7. All the mains, hydrants, services, valves, fittings and appliances which the Village shall lay, install, furnish or maintain, in connection with the serving of the Area and the Township Area with the water supplied by the City to the Village under the provisions of this Agreement, shall be of the size, kind, quality and type required by the Commissioner and shall fulfil all requirements by way of structure and test which like articles supplied to and used by the City, from time to time, may be required to fulfil or withstand, and the Village shall provide and locate all such mains, hydrants, valves, fittings and appliances in such positions as may be approved by the Commissioner, from time to time.

8. That whenever and so often as during the currency of these presents the Village proposes to lay within the Area and/or the Township Area a water main or water mains to be fed from the City water supply, the Village shall notify the Commissioner in writing and submit a plan with such notification of the district within the Area or within the Township Area, as the case may be, to be supplied by such water main or water mains, such plan to show profiles and widths of the street or streets, as the case may be, on which the Water main or water mains is or are proposed to be laid, together with the size and location of mains, hydrants, valves and appliances and like information pertaining to other services and utilities already installed, and a profile of the water main or mains as proposed to be laid.

9. The Commissioner, within four weeks after receipt of any notice

as provided for in the next preceding paragraph shall express his approval or disapproval of the plan or plans submitted with any such notice or any other objection to the proposed work or works which the Commissioner has to urge under the terms and provisions of this Agreement, and the contemplated work or works shall not be proceeded with until the Commissioner shall have given his approval thereto, PROVIDED, HOWEVER, that the Commissioner shall not withhold such approval except for good and just reason.

10. That should the Village at any time, during the currency of these presents, deem it necessary to alter the grade of any street within the Area in which a water main and/or water services has or have been laid, such water main and/or water services shall be relaid forthwith upon the demand of the Commissioner at an elevation approved of by the Commissioner and at the sole expense of the Village, and the Village shall notify the Commissioner whenever, during the currency of these presents, it does any grading upon any thoroughfare within the Area upon which a water main and/or water services is or are laid, when such grading reduces the covering of such last mentioned water main and/or water services to less than five feet six inches.

11. The City shall have the right at any time and from time to time during the currency of these presents, for its own purposes to manipulate valves or anything connected with the water supply system of the City within the limits of the municipality of the City of Toronto, and if such manipulation shall diminish, interrupt or cut off the supply of water to the Village provided for by this Agreement the City shall not in any way be liable to the Village on account thereof; PROVIDED, HOWEVER, that this right shall not be construed as giving the City the right to permanently discontinue the supply of water to the Village provided for by this Agreement.

12. The City will exercise all due care and diligence in order to effect the intent of this Agreement but shall not be liable to the Village for any interruption, lack of continuity or variation in pressure from any cause whatsoever, of the supply of water to the Village provided for by this Agreement.

13. That the City will sell to the Village and the Village will purchase from the City the Ellis Avenue Main at and for the price of sum of Six Thousand Three Hundred and Sixty Dollars (\$6,360.00), such sum to be paid by the Village to the City upon the execution and delivery of these presents and that on and after the said First day of May, 1944, the Village will assume and carry out all obligations and responsibilities whatsoever that the City may have to supply water to the Ellis Avenue Residences and/or that the City may have in respect to the Ellis Avenue Main and/or to the Ellis Avenue Residences, and in the event that any action or proceeding is taken to determine the rate to be paid for water supplied to the Ellis Avenue Residences, the Village will assume and take over the defence of any such action or proceeding, will supply water to the Ellis Avenue Residences at whatever rate may be determined in any such action or proceeding and will fully indemnify the City, its successors and assigns in all respects whatsoever in regard thereto and/or in regard to any such action or proceeding.

14. That the Village prior to the said First day of May, 1944, to the satisfaction of the Commissioner and without any expense whatsoever to the City, will install a six-inch (6") water main on the said Bloor Street West within the limits of the municipality of the Village of Swansea to extend from the existing twelve-inch (12") water main on Mossom Road to the easterly end of the existing six-inch (6") water main on the north side of the said Bloor Street West, which last mentioned water main runs westerly from the said Mossom Road to the north limit of the municipality of the Village of Swansea, will remove the said two meters on the said Ellis Avenue at Grenadier Heights and at Woodland Heights, will install the New Meter on the said Ellis Avenue at or about the south boundary of the municipality of the Village of Swansea and will close and seal and thereafter keep closed and sealed the six-inch (6") valve on the Traymore Crescent water main of the Township at the said north limit of the municipality of the Village of Swansea.

15. That the water to be supplied by the Village to the Township Area as and when a supply of water to the Township Area is required, will be supplied by the Village from the water supplied by the City to the Village under the provisions of this Agreement and will be paid for by the Village in accordance with the provisions of this Agreement.

16. That the Village will not permit the Area to be supplied with water from any other source than the City water supply, and any supply from any other source now connected with water mains in the Area shall be disconnected and shall not be re-connected except by permission of the Commissioner.

17. Upon the annexation to the City of all, or any part, of the Area supplied with water under the provisions of this Agreement, the City shall assume all outstanding debenture indebtedness incurred for the purpose contemplated by this Agreement in respect to that portion of the Area actually so annexed, such assumption to be, however, for the unexpired term only of such debentures dated from the date of such annexation, and adjustment of the same shall be made between the parties hereto as of the date of such annexation.

18. The rates for water supplied under this Agreement set forth in paragraph No. 3 hereof, may at any time be changed by mutual agreement between the parties hereto, or failing such by arbitration in the manner hereinafter provided for determining differences between such parties.

19. That the Village will from time to time and at all times hereafter well and truly save, defend and keep harmless and fully indemnify the City, its successors and assigns, of, from and against all loss, costs, charges, damages, expenses, actions, claims and demands whatsoever, which the City, its successors or assigns, or any of them, may at any time or times hereafter bear, sustain, suffer, be at or be put unto for or by reason or on account of the granting by the City to the Village of the supply of water hereby granted, the assumption by the Village of all obligations and responsibilities whatsoever that the City may have to supply water to the Ellis Avenue Residences and/or that the City may have in respect to the Ellis Avenue Main and/or to the Ellis Avenue Residences, the entering into and execution by the City of these presents and/or anything in any matter relating thereto.

20. That the City shall not be put to any expense whatsoever in connection with any work necessary to carry out and complete the said separation of the respective Waterworks Distribution Systems of the Township and the Village.

21. That if the Village shall at any time fail to observe, fulfil, carry out or perform any of the provisions herein contained on the part of the Village and shall continue such default for a period of twenty (20) days after receipt of notice thereof from the Commissioner, then all rights of the Village under this Agreement shall forthwith cease and determine, anything herein contained to the contrary notwithstanding.

22. Any and all differences arising between the City and the Village as to the construction of this Agreement, or any provisions thereof, the variation of the rates to be charged for water supplied hereunder, or any matters relative thereto, shall be settled by arbitration in the manner following, that is to say; the Commissioner and the Engineer of the Village shall act as arbitrators respectively for the City and the Village, and in the event of their failing to agree, they shall select an umpire who shall be a Judge of the County Court of the County of York and the finding of such Judge shall be final and binding on both parties hereto; PROVIDED, HOWEVER, that in the event of the Commissioner and the said Engineer of the Village failing to agree in the choice of such a Judge, the same shall be chosen by a Justice of the Supreme Court of Ontario upon application of either of the parties hereto.

23. That wherever in this Agreement the words "Commissioner of Works of the City" or "the Commissioner" are used the same shall mean the person for the time being filling the office of the Commissioner of Works of the City of Toronto or the person then acting as such.

24. That wherever in this Agreement the words "Engineer of the Village" are used the same shall mean the person for the time being filling the office of the Engineer of the Village of Swansea or the person then acting as such.

25. That the Village shall as soon as possible after the execution and delivery of these presents make application to the Legislature of the Province of Ontario for the passing of legislation validating this Agreement.

IN WITNESS WHEREOF, the parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective proper officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

in the presence of

JEANNE SOMMERVILLE

THE CORPORATION OF THE CITY OF
TORONTO

FRED J. CONBOY,
Mayor.

(Seal)

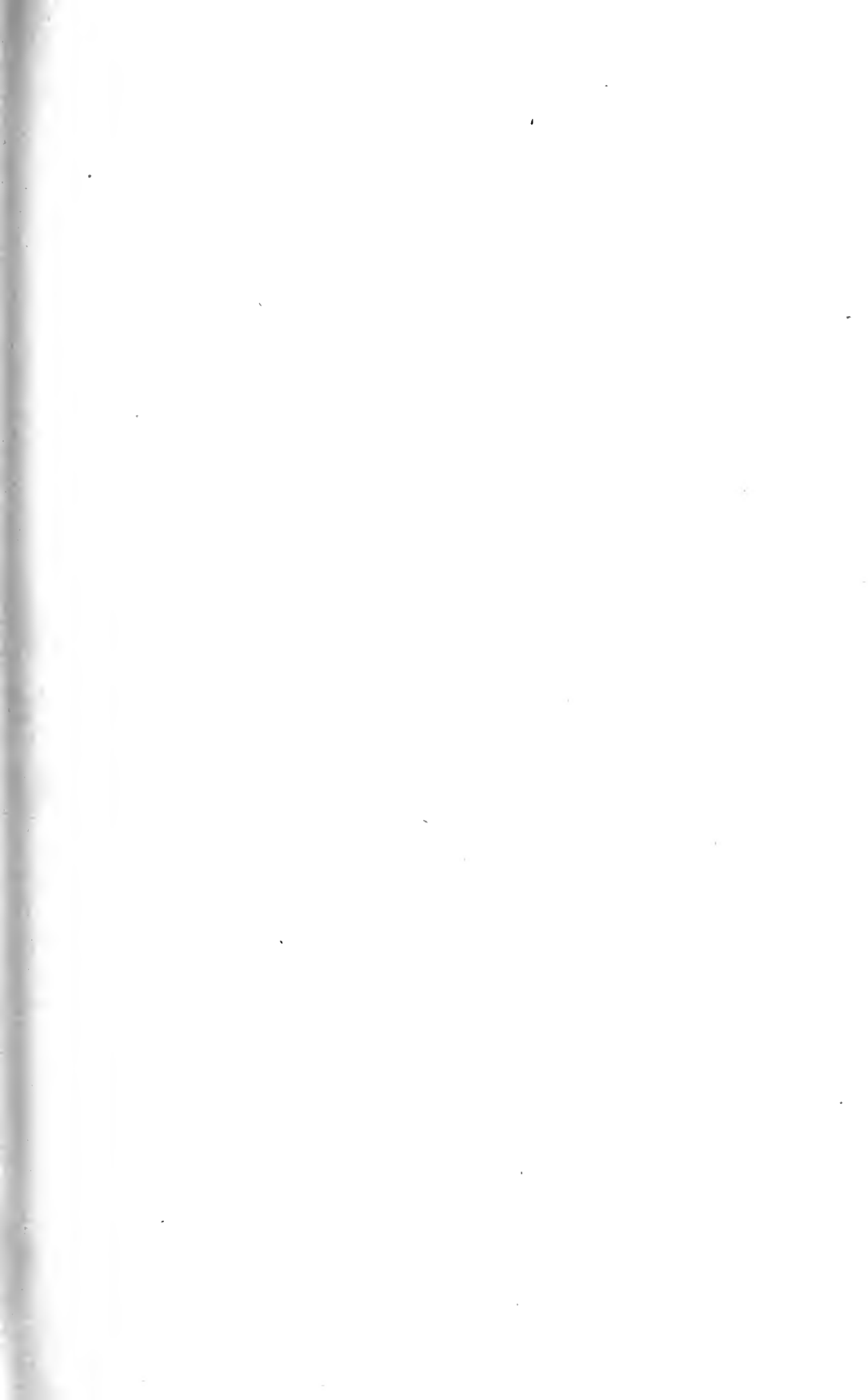
G. A. LASCELLES,
Treasurer.

THE CORPORATION OF THE VILLAGE
OF SWANSEA

C. C. DOWNEY,
Reeve.

(Seal)

N. L. IVEY,
Clerk.



BILL

An Act respecting the Village of
Swansea.

1st Reading

2nd Reading

3rd Reading

MR. ALAN

(*Private Bill*)

No. 2

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Fort William.

MR. ANDERSON

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Fort William.

WHEREAS the Corporation of the City of Fort William Preamble.
has by its petition prayed for special legislation in
respect of the several matters hereinafter mentioned and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The agreement dated the 15th day of October, 1945, Veterans' land agreement validated.
made between the Corporation of the City of Fort William
and The Director, The Veterans' Land Act, and set forth as
schedule A hereto, is hereby confirmed and declared to be
from the date thereof legal, valid and binding upon the said
Corporation and the ratepayers thereof, and the said Cor-
poration is hereby authorized to do all acts necessary to carry
out the provisions thereof.

2.—(1) By-law No. 3954 of the said Corporation entitled Winston Hall by-law validated.
“A By-law to provide for borrowing \$80,000.00 upon deben-
tures to pay for the purchase of Winston Hall and the right,
title and interest of His Majesty the King in the right of
The Dominion of Canada in the lands hereinafter described
and for the reconverting of the said Winston Hall into self-
contained suites”, set forth as schedule B hereto, is hereby
confirmed and declared to be and to have always been since
the date thereof a legal, valid and existing by-law of the said
Corporation and the debentures which have been or may
hereafter be issued thereunder shall from the date of such issue
be valid and binding upon the said Corporation and the rate-
payers thereof.

(2) The said Corporation may purchase, acquire, hold and Powers re Winston Hall.
convert the building known as Winston Hall as provided in the
said by-law No. 3954 and shall be deemed to have had this
power since the date of the said by-law.

(3) The said Corporation may from time to time lease the idem.

whole or any part of the said Winston Hall on such terms and conditions as the council deems advisable and shall be deemed to have had this power since the date of the said by-law.

1938, c. 53,
sec. 5 and
by-law 3634,
repealed.

3.—(1) Section 5 of *The City of Fort William Act, 1938*, and by-law No. 3634 of the said Corporation entitled "A By-law to constitute a Sinking Fund and Tax Sale Land Board of Trustees pursuant to Section 5 of The City of Fort William Act, 1938," are hereby repealed.

By-law No.
3948
validated.

(2) By-law No. 3948 of the said Corporation entitled "A By-law to repeal by-law No. 3634" is hereby confirmed and declared to be and to have always been since the date thereof a legal, valid and existing by-law of the said Corporation.

Powers re
skating rink
and
community
centre.

4.—(1) The said Corporation may acquire the land therefor and construct, maintain and operate a skating club and community centre thereon in such manner as the council thinks advisable.

Idem.

(2) The council of the said Corporation without obtaining the assent of the electors entitled to vote on money by-laws may borrow the sum of \$300,000 therefor by the issue and sale of instalment debentures bearing interest at such rate and payable as the council with the approval of the Ontario Municipal Board deems advisable.

Idem.

(3) The council of the said Corporation may from time to time fix, charge and collect such rates, fees, admissions, rentals or other amounts as it may deem advisable for the use of or admission to the skating rink and community centre or any part thereof.

Road allow-
ance closed.

5. The original road allowance along the McKellar River in front of Lots 6 and 7 in Concession "D" of the Township of Neebing Additional on Island Number Two now in the City of Fort William, excepting portions owned by the Canadian Pacific Railway Company and His Majesty the King through the Public Works Department of the Dominion of Canada, is hereby stopped up and closed as a public highway and the same is hereby vested in The Northern Engineering & Supply Company Limited.

Housing
agreement
validated.

6. The agreement dated the 15th day of October, 1945, made between the Corporation of the City of Fort William and His Majesty the King in right of Canada and Wartime Housing Limited and set forth as schedule C hereto is hereby confirmed and declared to be and to have always been since the date thereof a legal, valid and existing agreement, and the said City Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.



7. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent. ^{ment of Act.}

8. This Act may be cited as *The City of Fort William Act*, ^{Short title.}
1946.

SCHEDULE A

MEMORANDUM OF AGREEMENT made in Quadruplicate this 14th day of October, A.D. 1945

BETWEEN:

THE CITY OF FORT WILLIAM, hereinafter called the CITY,

OF THE FIRST PART;

—and—

THE DIRECTOR, THE VETERANS' LAND ACT, hereinafter called THE DIRECTOR,

OF THE SECOND PART.

A VETERAN shall mean a Veteran as defined in the Veterans' Land Act, being Chapter 33 of 6 Geo. VI and amendments thereto, and a UNIT shall mean a holding disposed of to a Veteran.

WHEREAS The City has agreed to transfer a clear Absolute Title to The Director to the lands hereinafter described free of all encumbrances for the purposes of settlement of Veterans as herein before defined subject to the terms, conditions, obligations and agreements hereinafter contained and subject to the provisions of The Veterans' Land Act;

AND WHEREAS the Director has agreed to accept the transfer of the lands for the purposes aforesaid and make disposal thereof to Veterans in accordance with the terms and conditions hereinafter contained and subject to the provisions of the Veterans' Land Act;

AND WHEREAS the said lands are now subdivided and it is necessary for the purposes of The Director that the present plans covering the said lands and subdivisions thereof be cancelled;

AND WHEREAS it is necessary that certain streets and lanes be constructed and that certain utilities be provided for the purpose aforesaid,

NOW THEREFORE in consideration of the premises and mutual covenants and agreements herein contained by and on behalf of the parties hereto, IT IS AGREED AS FOLLOWS:

(1) THE DIRECTOR agrees to pay to The City the sum of \$16.00 as a purchase price for the lands hereinafter described.

(2) THE CITY agrees to transfer to The Director for the purposes aforesaid the following lands, consisting of approximately 16 acres, that is to say:

Part of Lot Ten (10) Concession I, City of Fort William, which Land is bounded by Northern Avenue, Vickers Street, Syndicate Avenue, The Canadian National Railways and William Street.

(3) THE DIRECTOR agrees that he will, at the earliest possible date, prepare and register plans for the re-subdivision of the said lands in accordance with the purposes of his requirements in parcels of approximately One (1) acre more or less or in parcels of such other area as may be approved by the City and according to a plan of survey to be approved of by the City which shall be done at the cost and expense of The Director.

(4) THE CITY will proceed at its own expense to obtain from the Legislature of the Province of Ontario the Necessary amendment to the Charter of the City to permit the City to comply with the terms and conditions of this Agreement.

(5) THE DIRECTOR agrees that he will erect upon the said properties

re-subdivided into units as referred to in Clause Three (3) hereof substantial four, five or six room bungalows or houses in accordance with certain plans and specifications, which shall be approved by the City, at such times and upon such units as shall at the discretion of the Director, be by him deemed advisable. The said houses shall be provided with suitable basements and shall be constructed at an approximate estimated present cost of not less than Forty-two Hundred Dollars (\$4,200.00). Such dwellings shall be set at a distance of approximately twenty-five feet (25') from the property line and shall be constructed in conformity with the Building, Plumbing and Zoning By-laws of the City.

(6) It is agreed by and between the parties hereto that no taxes shall be chargeable on any unit of the said lands until same has been sold by The Director to a beneficial occupant. Upon the disposition of any unit to any Veteran the said unit shall become liable to an annual taxation at a rate not to exceed Sixty Dollars (\$60.00) per annum plus a rate for water main frontage at 4c. per lineal foot frontage computed on the frontage of one street only, for a period of fifteen (15) years from the date of disposal of the said unit to a Veteran.

IT IS FURTHER AGREED that in the event of any unit being sold to any person other than a Veteran during the prescribed period the regular rate of taxation shall immediately become applicable.

IT IS FURTHER AGREED that in the event of a unit being disposed of to a Veteran, only a proportional part of the said taxation rate of Sixty Dollars (\$60.00), plus the rate for water main frontage at 4c. per lineal foot, computed on the frontage of one street only, shall be payable for that portion of the year of disposition to the said veteran during which the Veteran shall be in actual occupation of the said unit. In the event of any unit being disposed of to a Veteran as aforesaid and reverting to or being repossessed by the Director and granted or disposed of by The Director to any person other than a Veteran, the regular rate of taxation shall be applicable for that portion of the year following the date of such disposition and continued during that period of occupation of the said premises by any person other than a Veteran, PROVIDED that in the event of the subsequent redistribution of such unit to a Veteran the provisions with respect to limitation of taxation as herein provided shall apply thereto, AND FURTHER PROVIDED that such limitation of taxation shall apply so long as a Veteran shall remain the beneficial owner of the said unit whether in actual occupation thereof or otherwise.

AND FURTHER PROVIDED that the said limitation shall also apply if a Veteran established on such property dies, so long as the beneficial ownership of the same remains vested in the widow of the deceased Veteran or in any child or children of the deceased Veteran under twenty-one years of age or any of them and whether or not such widow, child or children or any of them are in actual occupation of the said property.

(7) THE CITY hereby agrees to install the required water and sewer facilities and, in the proper manner, to grade and gravel all streets and construct lanes as and when required by The Director, to serve all or any part of the said lands or subdivision thereof, and to proceed with the said work with the least possible delay immediately after being requested by The Director so to do.

The Director agrees that he will pay the City forthwith upon completion for the work in this Clause agreed to be performed by the City, including the laying of a 12" sewer on John Street approximately 1,328 feet in length from Northern Avenue to Canadian National Railway, grading and gravelling John Street approximately 1,341 feet in length from Northern Avenue to Canadian National Railway, such work and construction not to exceed the sum of Twelve Thousand Dollars (\$12,000.00) and the City agrees that if the cost of this work is found on completion to be less than the sum of Twelve Thousand Dollars (\$12,000.00), that the Director will pay only this lesser sum. The whole cost of installing water main plus engineering and overhead cost on John Street from Northern Avenue, to the Canadian National Railway, will be borne by the City, and not in any way to be included in the total cost of works of

which the Director is to pay up to said Twelve Thousand Dollars (\$12,000.00).

The Director further agrees that he will use his best efforts to secure for the City any additional man power required to do this work.

(8) THE CITY AGREES to extend its light and power lines to such units as may be required by the Director which shall be done at no expense to The Director nor to the unit holders other than charging of the usual monthly accounts for electric energy to the users thereof.

(9) THE DIRECTOR AGREES that when the various units are available for sale to Veterans a priority will be given to the applications of qualified Veterans from the City; PROVIDED that if there be no Veterans from the City properly qualified and recommended at such time as any units may be ready and available for disposition to Veterans The Director shall be at liberty to dispose of such units to any qualified Veteran.

(10) THE PARTIES HERETO AGREE that they will execute such further deeds, documents, assurances and consents as may be necessary to carry out the full intent and purposes of this Agreement.

(11) THIS AGREEMENT shall be binding upon and enure to the benefit of the parties hereto, their successors and assigns respectively.

IN WITNESS WHEREOF The Corporate Seal of the City of Fort William has been hereunto affixed attested by the hands of its proper officers and The Director has hereunto set his hand and seal, the day and year first above written.

SIGNED, SEALED AND DELIVERED

GARFIELD ANDERSON,

Mayor.

In the presence of:

D. M. MARTIN,

Clerk.

Seal.

G. MURCHISON,

Director, Veterans Land Act.

SCHEDULE B

CITY OF FORT WILLIAM

BY-LAW No. 3954

A By-law to provide for borrowing \$80,000.00 upon debentures to pay for the purchase of Winston Hall and the right, title and interest of His Majesty the King in the right of The Dominion of Canada in the lands hereinafter described and for the reconverting of the said Winston Hall into self-contained suites.

WHEREAS an acute shortage of housing accommodation exists in the City of Fort William and personnel of the Canadian Armed Services now returning from overseas, and other, find it impossible to obtain housing accommodation for themselves and their families.

AND WHEREAS for the purpose of relieving such shortage and rendering available additional accommodation for such personnel, and others, and their families, the Corporation has under consideration the purchase from His Majesty the King in the right of the Dominion of Canada the said lands and premises at a price of \$36,000.00, and it appears, from an estimate prepared by an architect employed by the Corporation for the purpose, that the cost of re-converting the said buildings will be \$40,000.00, and the additional extra expenses of the Corporation incidental thereto will be \$4,000.00.

AND WHEREAS for the purposes aforesaid, it is necessary to borrow on the credit of the Corporation the sum of \$80,000.00, which is the amount of the debt intended to be created by this By-law, and to issue debentures therefor payable within ten years from the time when the same are issued and bearing interest at the rate of 3% per annum.

AND WHEREAS it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable in yearly sums during the said period of ten years, being the currency of the said debentures, of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be the same, provided, however, that each instalment of principal may be for an even \$100.00, or multiple thereof, and that, notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

AND WHEREAS it will be necessary to raise in each year in which an instalment becomes due, the specific sum set forth in the fourth column of the schedule contained in Section 3 hereof to pay it, when and as it becomes due, which yearly sum, less the net amount of any revenue received by the Corporation from rentals of the accommodation provided, shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last Revised Assessment Roll is \$30,257,929.00, including \$1,297,125.00 liable for taxation for school purposes only and which is exempt from general taxation.

AND WHEREAS the amount of the existing Debenture Debt of the Corporation, exclusive of Local Improvement Debentures, is \$4,012,249.56, and no part of the principal or interest thereof or thereon is in arrears.

NOW, THEREFORE, the Council of the Corporation of the City of Fort William enacts as follows:

1. That the Corporation do forthwith proceed with the purchase of the said Winston Hall and the right, title and interest of His Majesty

the King in the right of The Dominion of Canada in the lands described in Instruments registered in the Registry Office for the Registry Division for the District of Fort William as Numbers 9031 E for Fort William E, 9044 E for Fort William E and 9049 E for Fort William E and with the reconversion of the said Winston Hall into self-contained suites at a total cost not exceeding \$80,000.00, and to provide such sum of \$80,000.00 by the issue and sale of debentures as hereinafter set forth.

2. For the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$80,000.00, and debentures shall be issued therefor in sums of not less than \$100.00 each bearing interest at the rate of 3% per annum, payable half-yearly, and having coupons attached thereto for the payment of the interest thereon payable at the place or places where the said debentures are made payable.

3. The said debentures shall all bear the same date, and shall be issued within two years after the passing of this By-law, and may bear any date within such two years, and shall be payable in ten annual instalments during the ten years next after the time when the same are issued, and the respective amounts of principal and interest in each of such years shall be as follows:

Year	Principal	Interest	Annual Payment
1st.....	\$7,000.00	\$2,400.00	\$9,400.00
2nd.....	7,000.00	2,190.00	9,190.00
3rd.....	7,000.00	1,980.00	8,980.00
4th.....	8,000.00	1,770.00	9,770.00
5th.....	8,000.00	1,530.00	9,530.00
6th.....	8,000.00	1,290.00	9,290.00
7th.....	8,000.00	1,050.00	9,050.00
8th.....	9,000.00	810.00	9,810.00
9th.....	9,000.00	540.00	9,540.00
10th.....	9,000.00	270.00	9,270.00
	<hr/> \$80,000.00	<hr/> \$13,830.00	

4. The debentures, as to both principal and interest, shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. Each of the debentures shall be sealed with the seal of the Corporation and signed by the Mayor of the Corporation, or by some other person authorized by By-law to sign the same, and by the Treasurer, and shall have coupons attached thereto for the payment of interest, and the coupons for the interest shall be signed by the Treasurer and his signature to them may be written, stamped, lithographed or engraved.

6. During the currency of the said debentures, there shall be levied and raised in each year in which an instalment becomes due, the specific sum set forth in the fourth column of the schedule contained in Section 3 hereof, by special rates sufficient therefor, over and above all other rates on all the rateable property in the City of Fort William, at the same time and in the same manner as other rates. Provided however, that the amount to be raised by such special rate in any year shall be reduced by the amount of the net revenue from the property which net revenue shall be the amount of the revenue received from the said property, after providing for the expenditures incurred for the maintenance and operation of the said property in such year, as estimated by the Corporation, and provided further that any deficiency in any year due to the net revenue being less than that estimated for such year, such deficiency shall be included in the amount for which rates are to be levied in the next following year. Such net revenue shall be applied in payment pro tanto of the said debentures.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force and effect at the time of the issue thereof.

8. The debentures to be issued hereunder falling due in the last or

tenth year, and being the debentures having the latest maturity date, shall be redeemable at the option of the Corporation on any date prior to maturity in whole or in part at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof, with interest accrued to date of redemption, upon giving the notice of intention to redeem required by *The Municipal Act* to be given to the person in whose name the debenture is registered and the notice required by the said Act to be published in *The Ontario Gazette* and upon publication of notice of said intention to redeem once in a Daily Newspaper of general provincial circulation, published in the City of Toronto, and once in a newspaper having a circulation in the Municipality, at least thirty days prior to the date fixed for redemption.

Read a first, second and third time this 9th day of October, 1945.

Seal.

(Signed) GARFIELD ANDERSON,
Mayor.

(Signed) D. M. MARTIN,
Clerk.

SCHEDULE C

THIS AGREEMENT made in triplicate this 15th day of October, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF FORT WILLIAM
(hereinafter called the "City"),

OF THE FIRST PART;

—and—

HIS MAJESTY THE KING IN RIGHT OF CANADA, herein
represented by the Honourable the Minister of Munitions
and Supply of Canada acting through Wartime Housing
Limited (hereinafter called "His Majesty"),

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, A Company incorporated
under the Dominion Companies Act, pursuant to the
provisions of the Department of Munitions and Supply
Act (being Statutes of Canada, 4 George VI, Chapter
3, as amended), (hereinafter called "the Company").

OF THE THIRD PART:

WHEREAS the City is the registered owner in fee simple of the various parcels of vacant land within the limits of the municipality of the City of Fort William situate on public streets having sidewalks, water mains, sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said municipality and the City being desirous of taking steps to alleviate such shortage has requested His Majesty to provide additional housing accommodation within the limits of the city of Fort William;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent and upon the terms and conditions all as hereinafter set forth, upon the condition that the City shall convey to His Majesty the land necessary to provide such additional accommodation which as appears by a resolution of the Council adopted at a special meeting held on the 12th day of October, 1945, the City has agreed to do upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this Agreement and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties hereto mutually covenant and agree as follows:

1. The City shall convey to His Majesty in fee simple free and clear from all encumbrances including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are acceptable to His Majesty and as are set forth in the Schedule hereto annexed marked "A" (such parcels of land and such Schedule being hereinafter referred to respectively as "the building lots" and "the Schedule"), by deeds or transfers approved by the solicitors for His Majesty.

2. His Majesty in consideration of the conveyance provided for in

the next preceding clause shall pay or cause to be paid to the City the sum of One Dollar (\$1.00) for each of the building lots or each portion thereof upon which His Majesty or the Company intends to erect a house as hereinafter provided, such sum to be paid upon the execution and delivery of the deed or transfer of each such building lot or portion thereof.

3. Upon the execution and delivery of the conveyance provided for in clause 1 hereof His Majesty or the Company shall at His or its own cost and expense proceed forthwith:

- A. To erect on the building lots so conveyed and set forth in the Schedule, such number of houses as His Majesty in his sole discretion may deem advisable (such houses being hereinafter referred to as "the houses"), at an average cost of approximately FOUR THOUSAND DOLLARS (\$4,000.00) each, to be of frame construction on cement blocks or solid concrete foundation to consist of any of the three types of houses shown on the plans of the Company, numbers H.5, H.6, drawings numbers 1-6 inclusive; numbers H.15, H.16, drawings numbers 1-7 inclusive and H.45, H.46, drawings numbers 1-8 inclusive and to be constructed in accordance with the specifications of the Company, dated June 1st, 1945 (which plans and specifications are filed with the City Clerk). The houses shall be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and shall be so erected and equipped with all due diligence and expedition. The said constructing and equipping is subject to the availability of the several materials and equipment and to the provisions of wartime regulations; and
- B. To install all necessary water service and private drain connections from the lot lines of the City to the houses (the installations of the portions of such connections from the water mains and sewers of the City to the lot lines to be under the supervision of and satisfactory to the City Engineer), or the City shall make such installations and His Majesty or the Company shall pay to the City its reasonable and proper costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost shall in the absence of fraud or mistake be conclusive evidence of the same and shall be final and binding on the Parties hereto; Provided that such installations shall in all cases include such re-laying of street pavement as shall be required after and as a result of effecting such installations as in the honest opinion of the said City Engineer shall be necessary; Provided, also and it is hereby expressly declared and agreed by and between the Parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company and shall thereafter be maintained and repaired by the City at its own cost and expense except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or maintenance of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in Clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependents and to the dependents of any sailor, soldier or airman of such forces who is on general service outside Canada or who has been killed on active service in such war, at rents ranging from Twenty-two Dollars (\$22.00) to Thirty Dollars (\$30.00) per month per house; Provided, however, that whenever and so often as any of the houses is or becomes vacant and there are no applications of any such sailor, soldier, airman or dependents thereof acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall in its uncontrolled discretion determine; And it is

hereby expressly declared and agreed by and between the Parties hereto that all water, gas and electric current supply charges or rates in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company at their own cost and expense, shall undertake and carry out the management and control of the houses and all appurtenances thereto belonging and shall at all times well and sufficiently repair, maintain, and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. The City Covenants and agrees to furnish to the houses and to the tenants thereof all such facilities, privileges and services of the City as are furnished or made available to other properties or property owners and tenants in the City including without limiting the generality of the foregoing, fire protection, police protection and schools.

7. Subject to the provisions of Clause 10 hereof His Majesty and/or the Company shall pay to the City on the 1st day of the month of October in each of the years 1945 to 1960, both inclusive, for services rendered and privileges and facilities made available the sum of Twenty-four Dollars (\$24.00) in respect of each of the houses containing two bedrooms and the sum of Thirty Dollars (\$30.00) in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. Subject to the provisions of Clause 10 hereof, His Majesty and/or the Company in addition to the payments provided for in Clause 7 hereof shall pay to the City on the 1st day of the month of October in each of the years 1945 to 1960 both inclusive, the sum of One Dollar (\$1.00) in respect of each of the houses in consideration for the street lighting services to be supplied by the City for the houses; Provided that such payments shall be pro-rated in respect of the portion of the first year in which each of the houses is constructed.

(a) Should it be necessary to revise the estimated cost of the houses, then it will be necessary to revise the duration of this Agreement as follows: for each Two Hundred Dollars (\$200.00) to be added to the estimated cost of the houses, one year is to be added to the duration of this Agreement and for each Two Hundred Dollars (\$200.00) to be subtracted from the estimated cost of the houses, one year is to be subtracted from the duration of this Agreement.

9. In consideration of the payments provided for in Clause 7 and 8 hereof the City agrees not to levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupants of the houses while the same are owned by His Majesty; Provided that nothing contained in this Clause shall be deemed to limit the right of the City to charge the tenants or occupants of the houses while the same are owned by His Majesty, the public utility rates, and other charges provided for in clause 4 hereof, or to collect from such tenants or occupants any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the municipality of Fort William.

Nothing in this Agreement contained shall limit the right of the municipality to collect poll tax from any person resident in the houses.

10. The provisions of this Agreement except Clause 13 hereof shall only affect the houses and lands appurtenant thereto while owned by His Majesty and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided, however, that whenever and so often during the period from the date hereof to the 31st day of December, 1950 (both dates inclusive) as His Majesty shall sell or transfer any of

the houses and lands appurtenant thereto, His Majesty and/or the Company shall pay to the City the sum of Four Hundred Dollars (\$400.00) in respect of the land appurtenant to each house so sold; And provided that whenever during the period from the 1st day of January, 1951 to the 31st day of December 1955 (both dates inclusive) as His Majesty shall sell or transfer any of the houses and land appurtenant thereto His Majesty and/or the Company shall pay to the City the sum of Two Hundred Dollars (\$200.00) in respect of the land appurtenant to each house so sold. PROVIDED FURTHER that in the year in which any house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in Clauses 7 and 8 hereof shall be pro rated proportionately to the part of the year during which His Majesty was owner of such house or houses and the lands appurtenant thereto.

11. His Majesty in consideration of the City entering into and executing these presents, hereby gives to the City an option irrevocable within the time for acceptance herein limited to purchase free from all encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lots owned by His Majesty on January 1st, 1961 as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company for the sum of One Thousand Dollars (\$1,000.00), for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of January, 1961 to the 31st day of March, 1961, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Clerk of the City sealed with the Corporate Seal of the City mailed postage prepaid and registered, addressed to His Majesty in care of the Company at 55 York Street, Toronto (or such other address as may be designated by His Majesty or the Company in writing), stating in such letter that this option is accepted and enclosing therewith an accepted cheque payable to the order of His Majesty in the amount of ten per centum (10%) of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty (60) days from the date of acceptance, all adjustments to be made as of the 31st day of March, 1961, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

12. His Majesty and/or the Company from and after the 1st day of April, 1961, shall pay annually to the City in respect of each house and the land appurtenant thereto while owned by His Majesty for services rendered and privileges and facilities made available, a sum equal to the amount of the taxes, rates and/or assessments, including local improvement rates, that would be payable in respect thereof if the same were owned by a non-exempt person, company and/or corporation. Such sum shall be paid to the City on or before the 31st day of December in each year commencing with the year 1961; provided that such payments shall be pro-rated in respect of the portion of the year in which each of the said houses and lands appurtenant thereto ceases to be owned by His Majesty.

13. Any existing or future provisions of the charter and/or by-laws of the City respecting the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

14. In the event that any of the houses while owned by His Majesty are damaged by fire or the elements or otherwise prior to the 1st day of April, 1961, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair or rebuild such house or completely remove the remains of such damaged house from the building lot or portion thereof appurtenant thereto. In the event of the removal of such damaged house His Majesty shall for the nominal sum of One Dollar convey to the City in fee simple free from all encumbrances (save and except any encumbrance which may be registered against such building lot or portion thereof at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the

building lot or portion thereof formerly appurtenant to such house. Such conveyance shall be by a deed or transfer approved by the solicitor for the City.

15. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario Legislation validating and confirming this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED:

In the Presence of:

Seal.

THE CORPORATION OF THE CITY
OF FORT WILLIAM

Per (Signed) GARFIELD ANDERSON,
Mayor.

Per (Signed) D. M. MARTIN,
Clerk.

HIS MAJESTY THE KING IN RIGHT
OF CANADA herein represented
by the Minister of Munitions
and Supply of Canada acting
through WARTIME HOUSING
LIMITED.

Per (Signed) B. A. BOULTEN,

Per (Signed) R. A. NEWCOMBE,

WARTIME HOUSING LIMITED:

Per (Signed) B. A. BOULTEN,

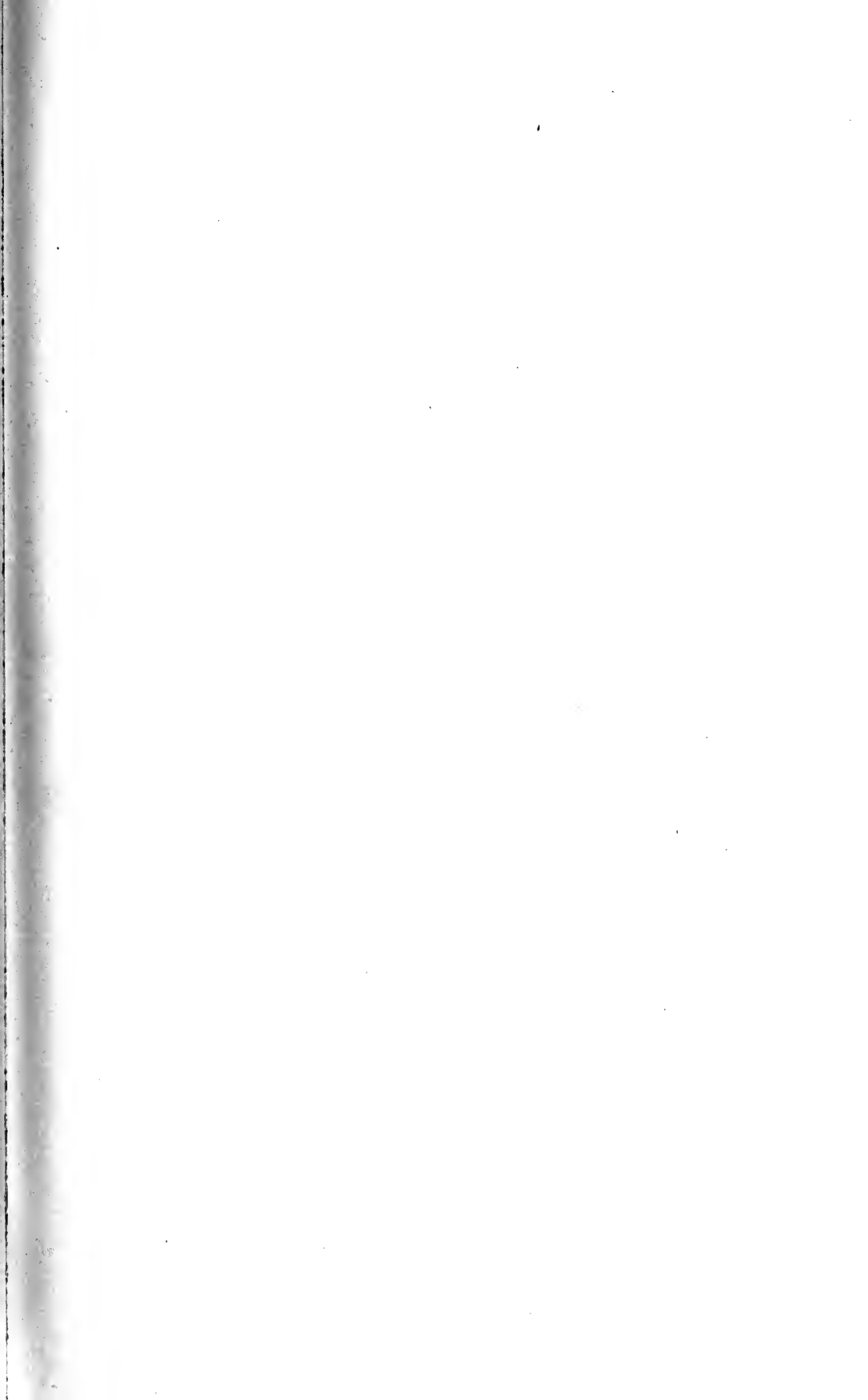
Per (Signed) R. A. NEWCOMBE.

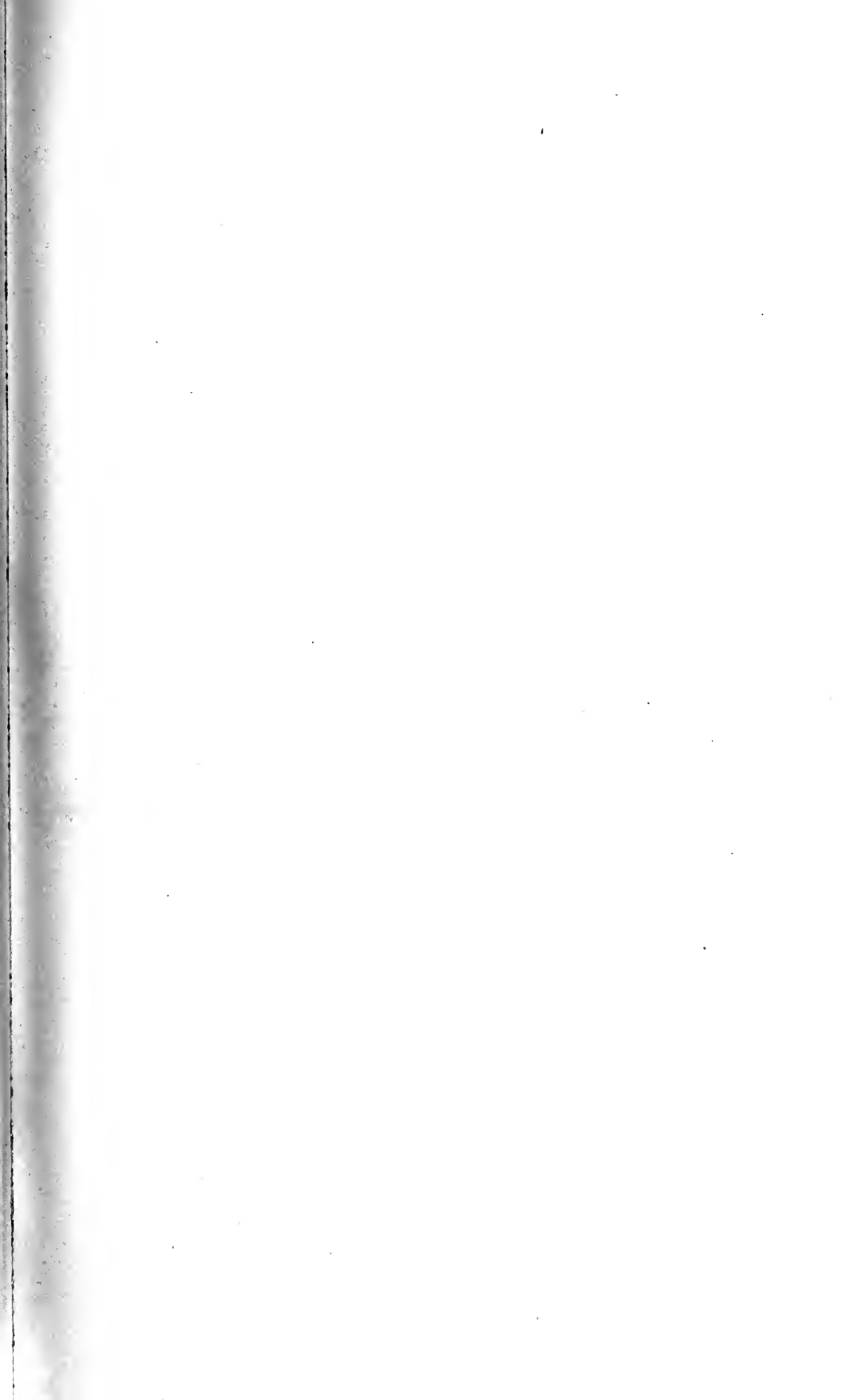
FORT WILLIAM, ONT.—PROJECT No. 7
PROPOSED CITY PROPERTY FOR SOLDIERS' HOUSES

Parcel No.	Description	Location Next to	Front-age	Depth	No. of Houses
1.	W. 50' Lot 69, N/S W. Mary St., Plan 42.	311 W. Mary St.	50'	155'	1
2.	Lots 7-8, E/S Edward St., Block 2, Plan 70	1016 Edward St.	50'	118'	1
3.	W. ½ Lots 90-91, Block 2, Plan 70; N/S E. Mary St.	113 E. Mary St.	37.5'	155'	1
4.	E. ½ Lots 88-89-90-91, and W. ½ Lot 92, S/S W. Mary St., Plan 42.	300 W. Mary St.	264'	155'	6
5.	E. ½ Lot 99, Lot 100, Plan 42, S/S W. Mary St.	256 W. Mary St.	99'	155.5'	3
6.	Lots 52-5 S. Mary St.	West of House 236.	100'	155'	2
7.	Lots 64-65, S/S W. Mary St., Plan 222	224 W. Mary St.	50'	155.5'	1
8.	Lots 67-68, S/S Mary St., Plan 222	212 W. Mary St.	50'	155.5'	1
9.	Lots 20-29, S. Mary St., Block J, Plan 70	West 1101 Edwards.	250'	155'	6
10.	Lots 7, 8, 9, S. ½ Lot 10, Block 3, Plan 70	1106 Edward St.	87.5'	118'	2
11.	W. 41' Lot 38, N. Brock St., T. Plot	177 E. Brock St.	41'	155'	1
12.	Lot 55, E. ½ Lot 56, N/S E. Brock St., Block 3, Plan 70	127 E. Brock St.	37.5'	155'	1
13.	Lots 37, 38, W/S Edward St., Block J, Plan 70	1113 Edward St.	50'	122'	1
14.	Lots 43-44 N/S W. Brock St., Block J, Plan 70	117 W. Brock St.	50'	155'	1
15.	Lots 54-55-56, N/S W. Brock St., Block J, Plan 70	141 W. Brock St.	75'	155'	2
16.	Lots 78-79-80-81, W/S Brown St., Plan 222	56' No. of Brock.	100'	109.9'	2
17.	Lots 20-21, S/S W. Brock St., Block L, Plan 70	132 W. Brock St.	50'	155'	1
18.	Lots 24, 25, 26, and W. 15' Lot 27, S/S E. Brock St., Blk. 4, Plan 70	144 E. Brock St.	90'	155'	2
19.	W. ½ Lots 39, 40, S/S E. Francis St., Town Plot	170 E. Francis St.	198'	155'	3
20.	Lots 20-27, N. Frederica, Block O, Plan 70	Bel. H. uses 231-249.	205'	155'	5
21.	Lots 15-16 N. Frederica, Block O, Plan 70	Opp. House 222.	50'	155'	1
22.	Lots 1-2, N/S E. Empire Ave., Plan 226	405 E. Empire Ave.	50.24'	120'	1
23.	Lot 8, N/S Christina St., T. Plot	473 E. Christina	132'	155'	3
24.	Lot 28, N. Christina St., T. Plot	273 E. Christina	132'	155'	3
25.	W. 76' of E. 92' of Lot 7, less C.P.R., S/S Christina St., T. Plot	496 E. Christina	76'	155'	2
26.	E. 88' Lot 14, E/S Brock St., T. Plot	411 E. Brock St.	88'	155'	2
27.	W. 68' Lot 29, N/S E. Brock St.	271 E. Brock St.	66'	155'	1
28.	Lot 32, S/S E. Brock St., T. Plot	228 E. Brock St.	132'	155'	3
29.	Lots 13-14, S/S E. Brock St.	408 E. Brock St.	264'	155'	6

PROPOSED CITY PROPERTIES FOR SOLDIERS' HOUSES

Parcel No.	Description	Location Next to	Front- age	Depth	No. of Houses
30.	C42' Lot 8, N/S E. Francis St.	481 E. Francis St.	42'	155'	1
31.	Lot 9, N/S Francis St., T. Plot.	463 E. Francis St.	132'	155'	3
32.	Lots 32-33, S/S E. Francis St., T. Plot.	218 E. Francis St.	264'	155'	6
33.	Lot 26, S. Francis St., T. Plot.	292 E. Francis St.	165'	118'	4
34.	Lot 26, N. Amelia St., T. Plot.	293 E. Amelia St.	165'	118.3'	4
35.	E. 66' Lot 28, N/S E. Amelia St., T. Plot.	277 E. Amelia St.	66'	155'	1
36.	E. 50' W. 100' Lot 33, S. Amelia St.	230 E. Amelia St.	50'	155'	1
37.	{ Lot 21, less S.E. Corner of South Amelia.	378 E. Amelia St.	132'	155'	13
	{ Lot 22, S/S Amelia St., T. Plot.	378 E. Amelia St.	132'	155'	
	{ Lot 23, S. Amelia St., T. Plot.	378 E. Amelia St.	132'	155'	
	{ Lot 24, S. Amelia St., T. Plot.	1402 Tarbutt St.	132'	155'	
					100





BILL

An Act respecting the City of
Fort William.

1st Reading

2nd Reading

3rd Reading

MR. ANDERSON

(Private Bill)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Fort William.

MR. ANDERSON



BILL

An Act respecting the City of Fort William.

WHEREAS the Corporation of the City of Fort William Preamble. has by its petition prayed for special legislation in respect of the several matters hereinafter mentioned and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement dated the 15th day of October, 1945, Veterans' land agreement validated. made between the Corporation of the City of Fort William and The Director, The Veterans' Land Act, and set forth as schedule A hereto, is hereby confirmed and declared to be from the date thereof legal, valid and binding upon the said Corporation and the ratepayers thereof, and the said Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.

2.—(1) By-law No. 3954 of the said Corporation entitled Winston Hall by-law validated. "A By-law to provide for borrowing \$80,000.00 upon debentures to pay for the purchase of Winston Hall and the right, title and interest of His Majesty the King in the right of The Dominion of Canada in the lands hereinafter described and for the reconverting of the said Winston Hall into self-contained suites", set forth as schedule B hereto, is hereby confirmed and declared to be and to have always been since the date thereof a legal, valid and existing by-law of the said Corporation and the debentures which have been or may hereafter be issued thereunder shall from the date of such issue be valid and binding upon the said Corporation and the ratepayers thereof.

(2) The said Corporation may purchase, acquire, hold and convert the building known as Winston Hall as provided in the said by-law No. 3954 and shall be deemed to have had this power since the date of the said by-law. Powers re Winston Hall.

(3) The said Corporation may from time to time lease the idem.

whole or any part of the said Winston Hall on such terms and conditions as the council deems advisable and shall be deemed to have had this power since the date of the said by-law.

1938, c. 53,
sec. 5 and
by-law 3634,
repealed.

3.—(1) Section 5 of *The City of Fort William Act, 1938*, and by-law No. 3634 of the said Corporation entitled "A By-law to constitute a Sinking Fund and Tax Sale Land Board of Trustees pursuant to Section 5 of The City of Fort William Act, 1938," are hereby repealed.

By-law No.
3948
validated.

(2) By-law No. 3948 of the said Corporation entitled "A By-law to repeal by-law No. 3634" is hereby confirmed and declared to be and to have always been since the date thereof a legal, valid and existing by-law of the said Corporation.

Powers re
skating rink
and
community
centre.

4.—(1) The said Corporation may acquire the land therefor and construct, maintain and operate a skating club and community centre thereon in such manner as the council thinks advisable.

Idem.

(2) The council of the said Corporation without obtaining the assent of the electors entitled to vote on money by-laws may borrow the sum of \$300,000 therefor by the issue and sale of instalment debentures bearing interest at such rate and payable as the council with the approval of the Ontario Municipal Board deems advisable.

Idem.

(3) The council of the said Corporation may from time to time fix, charge and collect such rates, fees, admissions, rentals or other amounts as it may deem advisable for the use of or admission to the skating rink and community centre or any part thereof.

Road allow-
ance closed.

5. The original road allowance along the McKellar River in front of Lots 6 and 7 in Concession "D" of the Township of Neebing Additional on Island Number Two now in the City of Fort William, excepting portions owned by the Canadian Pacific Railway Company and His Majesty the King through the Public Works Department of the Dominion of Canada, is hereby stopped up and closed as a public highway and the same is hereby vested in The Northern Engineering & Supply Company Limited.

Housing
agreement
validated.

6. The agreement dated the 15th day of October, 1945, made between the Corporation of the City of Fort William and His Majesty the King in right of Canada and Wartime Housing Limited and set forth as schedule C hereto is hereby confirmed and declared to be and to have always been since the date thereof a legal, valid and existing agreement, and the said City Corporation is hereby authorized to do all acts necessary to carry out the provisions thereof.

7. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent. _{ment of Act.}

8. This Act may be cited as *The City of Fort William Act*, ^{Short title.}
1946.

SCHEDULE A

MEMORANDUM OF AGREEMENT made in Quadruplicate this 14th day of October, A.D. 1945

BETWEEN:

THE CITY OF FORT WILLIAM, hereinafter called the CITY,

OF THE FIRST PART;

—and—

THE DIRECTOR, THE VETERANS' LAND ACT, hereinafter called THE DIRECTOR,

OF THE SECOND PART.

A VETERAN shall mean a Veteran as defined in the Veterans' Land Act, being Chapter 33 of 6 Geo. VI and amendments thereto, and a UNIT shall mean a holding disposed of to a Veteran.

WHEREAS The City has agreed to transfer a clear Absolute Title to The Director to the lands hereinafter described free of all encumbrances for the purposes of settlement of Veterans as herein before defined subject to the terms, conditions, obligations and agreements hereinafter contained and subject to the provisions of The Veterans' Land Act:

AND WHEREAS the Director has agreed to accept the transfer of the lands for the purposes aforesaid and make disposal thereof to Veterans in accordance with the terms and conditions hereinafter contained and subject to the provisions of the Veterans' Land Act;

AND WHEREAS the said lands are now subdivided and it is necessary for the purposes of The Director that the present plans covering the said lands and subdivisions thereof be cancelled;

AND WHEREAS it is necessary that certain streets and lanes be constructed and that certain utilities be provided for the purpose aforesaid,

NOW THEREFORE in consideration of the premises and mutual covenants and agreements herein contained by and on behalf of the parties hereto, IT IS AGREED AS FOLLOWS:

(1) THE DIRECTOR agrees to pay to The City the sum of \$16.00 as a purchase price for the lands hereinafter described.

(2) THE CITY agrees to transfer to The Director for the purposes aforesaid the following lands, consisting of approximately 16 acres, that is to say:

Part of Lot Ten (10) Concession I, City of Fort William, which Land is bounded by Northern Avenue, Vickers Street, Syndicate Avenue, The Canadian National Railways and William Street.

(3) THE DIRECTOR agrees that he will, at the earliest possible date, prepare and register plans for the re-subdivision of the said lands in accordance with the purposes of his requirements in parcels of approximately One (1) acre more or less or in parcels of such other area as may be approved by the City and according to a plan of survey to be approved of by the City which shall be done at the cost and expense of The Director.

(4) THE CITY will proceed at its own expense to obtain from the Legislature of the Province of Ontario the Necessary amendment to the Charter of the City to permit the City to comply with the terms and conditions of this Agreement.

(5) THE DIRECTOR agrees that he will erect upon the said properties

re-subdivided into units as referred to in Clause Three (3) hereof substantial four, five or six room bungalows or houses in accordance with certain plans and specifications, which shall be approved by the City, at such times and upon such units as shall at the discretion of the Director, be by him deemed advisable. The said houses shall be provided with suitable basements and shall be constructed at an approximate estimated present cost of not less than Forty-two Hundred Dollars (\$4,200.00). Such dwellings shall be set at a distance of approximately twenty-five feet (25') from the property line and shall be constructed in conformity with the Building, Plumbing and Zoning By-laws of the City.

(6) It is agreed by and between the parties hereto that no taxes shall be chargeable on any unit of the said lands until same has been sold by The Director to a beneficial occupant. Upon the disposition of any unit to any Veteran the said unit shall become liable to an annual taxation at a rate not to exceed Sixty Dollars (\$60.00) per annum plus a rate for water main frontage at 4c. per lineal foot frontage computed on the frontage of one street only, for a period of fifteen (15) years from the date of disposal of the said unit to a Veteran.

IT IS FURTHER AGREED that in the event of any unit being sold to any person other than a Veteran during the prescribed period the regular rate of taxation shall immediately become applicable.

IT IS FURTHER AGREED that in the event of a unit being disposed of to a Veteran, only a proportional part of the said taxation rate of Sixty Dollars (\$60.00), plus the rate for water main frontage at 4c. per lineal foot, computed on the frontage of one street only, shall be payable for that portion of the year of disposition to the said veteran during which the Veteran shall be in actual occupation of the said unit. In the event of any unit being disposed of to a Veteran as aforesaid and reverting to or being repossessed by the Director and granted or disposed of by The Director to any person other than a Veteran, the regular rate of taxation shall be applicable for that portion of the year following the date of such disposition and continued during that period of occupation of the said premises by any person other than a Veteran, PROVIDED that in the event of the subsequent redistribution of such unit to a Veteran the provisions with respect to limitation of taxation as herein provided shall apply thereto, AND FURTHER PROVIDED that such limitation of taxation shall apply so long as a Veteran shall remain the beneficial owner of the said unit whether in actual occupation thereof or otherwise.

AND FURTHER PROVIDED that the said limitation shall also apply if a Veteran established on such property dies, so long as the beneficial ownership of the same remains vested in the widow of the deceased Veteran or in any child or children of the deceased Veteran under twenty-one years of age or any of them and whether or not such widow, child or children or any of them are in actual occupation of the said property.

(7) THE CITY hereby agrees to install the required water and sewer facilities and, in the proper manner, to grade and gravel all streets and construct lanes as and when required by The Director, to serve all or any part of the said lands or subdivision thereof, and to proceed with the said work with the least possible delay immediately after being requested by The Director so to do.

The Director agrees that he will pay the City forthwith upon completion for the work in this Clause agreed to be performed by the City, including the laying of a 12" sewer on John Street approximately 1,328 feet in length from Northern Avenue to Canadian National Railway, grading and gravelling John Street approximately 1,341 feet in length from Northern Avenue to Canadian National Railway, such work and construction not to exceed the sum of Twelve Thousand Dollars (\$12,000.00) and the City agrees that if the cost of this work is found on completion to be less than the sum of Twelve Thousand Dollars (\$12,000.00), that the Director will pay only this lesser sum. The whole cost of installing water main plus engineering and overhead cost on John Street from Northern Avenue, to the Canadian National Railway, will be borne by the City, and not in any way to be included in the total cost of works of

which the Director is to pay up to said Twelve Thousand Dollars (\$12,000.00).

The Director further agrees that he will use his best efforts to secure for the City any additional man power required to do this work.

(8) THE CITY AGREES to extend its light and power lines to such units as may be required by the Director which shall be done at no expense to The Director nor to the unit holders other than charging of the usual monthly accounts for electric energy to the users thereof.

(9) THE DIRECTOR AGREES that when the various units are available for sale to Veterans a priority will be given to the applications of qualified Veterans from the City; PROVIDED that if there be no Veterans from the City properly qualified and recommended at such time as any units may be ready and available for disposition to Veterans The Director shall be at liberty to dispose of such units to any qualified Veteran.

(10) THE PARTIES HERETO AGREE that they will execute such further deeds, documents, assurances and consents as may be necessary to carry out the full intent and purposes of this Agreement.

(11) THIS AGREEMENT shall be binding upon and enure to the benefit of the parties hereto, their successors and assigns respectively.

IN WITNESS WHEREOF The Corporate Seal of the City of Fort William has been hereunto affixed attested by the hands of its proper officers and The Director has hereunto set his hand and seal, the day and year first above written.

SIGNED, SEALED AND DELIVERED

GARFIELD ANDERSON,

Mayor.

In the presence of:

D. M. MARTIN,

Clerk.

Seal.

G. MURCHISON,

Director, Veterans Land Act.

SCHEDULE B

CITY OF FORT WILLIAM

BY-LAW No. 3954

A By-law to provide for borrowing \$80,000.00 upon debentures to pay for the purchase of Winston Hall and the right, title and interest of His Majesty the King in the right of The Dominion of Canada in the lands hereinafter described and for the reconverting of the said Winston Hall into self-contained suites.

WHEREAS an acute shortage of housing accommodation exists in the City of Fort William and personnel of the Canadian Armed Services now returning from overseas, and other, find it impossible to obtain housing accommodation for themselves and their families.

AND WHEREAS for the purpose of relieving such shortage and rendering available additional accommodation for such personnel, and others, and their families, the Corporation has under consideration the purchase from His Majesty the King in the right of the Dominion of Canada the said lands and premises at a price of \$36,000.00, and it appears, from an estimate prepared by an architect employed by the Corporation for the purpose, that the cost of re-converting the said buildings will be \$40,000.00, and the additional extra expenses of the Corporation incidental thereto will be \$4,000.00.

AND WHEREAS for the purposes aforesaid, it is necessary to borrow on the credit of the Corporation the sum of \$80,000.00, which is the amount of the debt intended to be created by this By-law, and to issue debentures therefor payable within ten years from the time when the same are issued and bearing interest at the rate of 3% per annum.

AND WHEREAS it is desirable to issue the said debentures at one time and to make the principal of the said debt repayable in yearly sums during the said period of ten years, being the currency of the said debentures, of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be the same, provided, however, that each instalment of principal may be for an even \$100.00, or multiple thereof, and that, notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

AND WHEREAS it will be necessary to raise in each year in which an instalment becomes due, the specific sum set forth in the fourth column of the schedule contained in Section 3 hereof to pay it, when and as it becomes due, which yearly sum, less the net amount of any revenue received by the Corporation from rentals of the accommodation provided, shall be levied and raised annually by a special rate sufficient therefor, over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last Revised Assessment Roll is \$30,257,-929.00, including \$1,297,125.00 liable for taxation for school purposes only and which is exempt from general taxation.

AND WHEREAS the amount of the existing Debenture Debt of the Corporation, exclusive of Local Improvement Debentures, is \$4,012,249.56, and no part of the principal or interest thereof or thereon is in arrears.

NOW, THEREFORE, the Council of the Corporation of the City of Fort William enacts as follows:

1. That the Corporation do forthwith proceed with the purchase of the said Winston Hall and the right, title and interest of His Majesty

the King in the right of The Dominion of Canada in the lands described in Instruments registered in the Registry Office for the Registry Division for the District of Fort William as Numbers 9031 E for Fort William E, 9044 E for Fort William E and 9049 E for Fort William E and with the reconversion of the said Winston Hall into self-contained suites at a total cost not exceeding \$80,000.00, and to provide such sum of \$80,000.00 by the issue and sale of debentures as hereinafter set forth.

2. For the purpose aforesaid there shall be borrowed on the credit of the Corporation at large the sum of \$80,000.00, and debentures shall be issued therefor in sums of not less than \$100.00 each bearing interest at the rate of 3% per annum, payable half-yearly, and having coupons attached thereto for the payment of the interest thereon payable at the place or places where the said debentures are made payable.

3. The said debentures shall all bear the same date, and shall be issued within two years after the passing of this By-law, and may bear any date within such two years, and shall be payable in ten annual instalments during the ten years next after the time when the same are issued, and the respective amounts of principal and interest in each of such years shall be as follows:

Year	Principal	Interest	Annual Payment
1st.....	\$7,000.00	\$2,400.00	\$9,400.00
2nd.....	7,000.00	2,190.00	9,190.00
3rd.....	7,000.00	1,980.00	8,980.00
4th.....	8,000.00	1,770.00	9,770.00
5th.....	8,000.00	1,530.00	9,530.00
6th.....	8,000.00	1,290.00	9,290.00
7th.....	8,000.00	1,050.00	9,050.00
8th.....	9,000.00	810.00	9,810.00
9th.....	9,000.00	540.00	9,540.00
10th.....	9,000.00	270.00	9,270.00
	\$80,000.00	\$13,830.00	

4. The debentures, as to both principal and interest, shall be expressed in Canadian currency and may be payable at any place or places in Canada.

5. Each of the debentures shall be sealed with the seal of the Corporation and signed by the Mayor of the Corporation, or by some other person authorized by By-law to sign the same, and by the Treasurer, and shall have coupons attached thereto for the payment of interest, and the coupons for the interest shall be signed by the Treasurer and his signature to them may be written, stamped, lithographed or engraved.

6. During the currency of the said debentures, there shall be levied and raised in each year in which an instalment becomes due, the specific sum set forth in the fourth column of the schedule contained in Section 3 hereof, by special rates sufficient therefor, over and above all other rates on all the rateable property in the City of Fort William, at the same time and in the same manner as other rates. Provided however, that the amount to be raised by such special rate in any year shall be reduced by the amount of the net revenue from the property which net revenue shall be the amount of the revenue received from the said property, after providing for the expenditures incurred for the maintenance and operation of the said property in such year, as estimated by the Corporation, and provided further that any deficiency in any year due to the net revenue being less than that estimated for such year, such deficiency shall be included in the amount for which rates are to be levied in the next following year. Such net revenue shall be applied in payment pro tanto of the said debentures.

7. The debentures may contain any clause providing for the registration thereof authorized by any Statute relating to Municipal debentures in force and effect at the time of the issue thereof.

8. The debentures to be issued hereunder falling due in the last or

tenth year, and being the debentures having the latest maturity date, shall be redeemable at the option of the Corporation on any date prior to maturity in whole or in part at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof, with interest accrued to date of redemption, upon giving the notice of intention to redeem required by *The Municipal Act* to be given to the person in whose name the debenture is registered and the notice required by the said Act to be published in *The Ontario Gazette* and upon publication of notice of said intention to redeem once in a Daily Newspaper of general provincial circulation, published in the City of Toronto, and once in a newspaper having a circulation in the Municipality, at least thirty days prior to the date fixed for redemption.

Read a first, second and third time this 9th day of October, 1945.

Seal.

(Signed) GARFIELD ANDERSON,
Mayor.

(Signed) D. M. MARTIN,
Clerk.

SCHEDULE C

THIS AGREEMENT made in triplicate this 15th day of October, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF FORT WILLIAM
(hereinafter called the "City"),

OF THE FIRST PART;

—and—

HIS MAJESTY THE KING IN RIGHT OF CANADA, herein
represented by the Honourable the Minister of Munitions
and Supply of Canada acting through Wartime Housing
Limited (hereinafter called "His Majesty").

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, A Company incorporated
under the Dominion Companies Act, pursuant to the
provisions of the Department of Munitions and Supply
Act (being Statutes of Canada, 4 George VI, Chapter
3, as amended), (hereinafter called "the Company").

OF THE THIRD PART:

WHEREAS the City is the registered owner in fee simple of the various
parcels of vacant land within the limits of the municipality of the City of
Fort William situate on public streets having sidewalks, water mains,
sewers and street lighting services already constructed and installed
therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation
within the said municipality and the City being desirous of taking steps
to alleviate such shortage has requested His Majesty to provide additional
housing accommodation within the limits of the city of Fort William;

AND WHEREAS His Majesty has agreed to provide such additional
housing accommodation of the types, to the extent and upon the terms
and conditions all as hereinafter set forth, upon the condition that the
City shall convey to His Majesty the land necessary to provide such
additional accommodation which as appears by a resolution of the Council
adopted at a special meeting held on the 12th day of October, 1945, the
City has agreed to do upon the terms and conditions hereinafter mentioned
and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada
has duly delegated to the Company the power and duty of providing
the said additional housing accommodation upon the terms and condi-
tions of this Agreement and pursuant to such delegation and in the exer-
cise and discharge of such power and duty the Company enters into
and executes this Agreement:

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties
hereto mutually covenant and agree as follows:

1. The City shall convey to His Majesty in fee simple free and
clear from all encumbrances including taxes and local improvement rates
charged to the date of the said conveyance, such of the said parcels of
vacant land owned by the City as aforesaid as are acceptable to His
Majesty and as are set forth in the Schedule hereto annexed marked "A"
(such parcels of land and such Schedule being hereinafter referred to
respectively as "the building lots" and "the Schedule"), by deeds or
transfers approved by the solicitors for His Majesty.

2. His Majesty in consideration of the conveyance provided for in

the next preceding clause shall pay or cause to be paid to the City the sum of One Dollar (\$1.00) for each of the building lots or each portion thereof upon which His Majesty or the Company intends to erect a house as hereinafter provided, such sum to be paid upon the execution and delivery of the deed or transfer of each such building lot or portion thereof.

3. Upon the execution and delivery of the conveyance provided for in clause 1 hereof His Majesty or the Company shall at His or its own cost and expense proceed forthwith:

A. To erect on the building lots so conveyed and set forth in the Schedule, such number of houses as His Majesty in his sole discretion may deem advisable (such houses being hereinafter referred to as "the houses"), at an average cost of approximately FOUR THOUSAND DOLLARS (\$4,000.00) each, to be of frame construction on cement blocks or solid concrete foundation to consist of any of the three types of houses shown on the plans of the Company, numbers H.5, H.6, drawings numbers 1-6 inclusive; numbers H.15, H.16, drawings numbers 1-7 inclusive and H.45, H.46, drawings numbers 1-8 inclusive and to be constructed in accordance with the specifications of the Company, dated June 1st, 1945 (which plans and specifications are filed with the City Clerk). The houses shall be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and shall be so erected and equipped with all due diligence and expedition. The said constructing and equipping is subject to the availability of the several materials and equipment and to the provisions of wartime regulations; and

B. To install all necessary water service and private drain connections from the lot lines of the City to the houses (the installations of the portions of such connections from the water mains and sewers of the City to the lot lines to be under the supervision of and satisfactory to the City Engineer), or the City shall make such installations and His Majesty or the Company shall pay to the City its reasonable and proper costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost shall in the absence of fraud or mistake be conclusive evidence of the same and shall be final and binding on the Parties hereto; Provided that such installations shall in all cases include such re-laying of street pavement as shall be required after and as a result of effecting such installations as in the honest opinion of the said City Engineer shall be necessary; Provided, also and it is hereby expressly declared and agreed by and between the Parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company and shall thereafter be maintained and repaired by the City at its own cost and expense except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or maintenance of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in Clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependents and to the dependents of any sailor, soldier or airman of such forces who is on general service outside Canada or who has been killed on active service in such war, at rents ranging from Twenty-two Dollars (\$22.00) to Thirty Dollars (\$30.00) per month per house; Provided, however, that whenever and so often as any of the houses is or becomes vacant and there are no applications of any such sailor, soldier, airman or dependents thereof acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall in its uncontrolled discretion determine; And it is

hereby expressly declared and agreed by and between the Parties hereto that all water, gas and electric current supply charges or rates in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company at their own cost and expense, shall undertake and carry out the management and control of the houses and all appurtenances thereto belonging and shall at all times well and sufficiently repair, maintain, and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. The City Covenants and agrees to furnish to the houses and to the tenants thereof all such facilities, privileges and services of the City as are furnished or made available to other properties or property owners and tenants in the City including without limiting the generality of the foregoing, fire protection, police protection and schools.

7. Subject to the provisions of Clause 10 hereof His Majesty and/or the Company shall pay to the City on the 1st day of the month of October in each of the years 1945 to 1960, both inclusive, for services rendered and privileges and facilities made available the sum of Twenty-four Dollars (\$24.00) in respect of each of the houses containing two bedrooms and the sum of Thirty Dollars (\$30.00) in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro-rated in respect of the portion of the first year in which each of the houses is constructed.

8. Subject to the provisions of Clause 10 hereof, His Majesty and/or the Company in addition to the payments provided for in Clause 7 hereof shall pay to the City on the 1st day of the month of October in each of the years 1945 to 1960 both inclusive, the sum of One Dollar (\$1.00) in respect of each of the houses in consideration for the street lighting services to be supplied by the City for the houses; Provided that such payments shall be pro-rated in respect of the portion of the first year in which each of the houses is constructed.

(a) Should it be necessary to revise the estimated cost of the houses, then it will be necessary to revise the duration of this Agreement as follows: for each Two Hundred Dollars (\$200.00) to be added to the estimated cost of the houses, one year is to be added to the duration of this Agreement and for each Two Hundred Dollars (\$200.00) to be subtracted from the estimated cost of the houses, one year is to be subtracted from the duration of this Agreement.

9. In consideration of the payments provided for in Clause 7 and 8 hereof the City agrees not to levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupants of the houses while the same are owned by His Majesty; Provided that nothing contained in this Clause shall be deemed to limit the right of the City to charge the tenants or occupants of the houses while the same are owned by His Majesty, the public utility rates, and other charges provided for in clause 4 hereof, or to collect from such tenants or occupants any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the municipality of Fort William.

Nothing in this Agreement contained shall limit the right of the municipality to collect poll tax from any person resident in the houses.

10. The provisions of this Agreement except Clause 13 hereof shall only affect the houses and lands appurtenant thereto while owned by His Majesty and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided, however, that whenever and so often during the period from the date hereof to the 31st day of December, 1950 (both dates inclusive) as His Majesty shall sell or transfer any of

the houses and lands appurtenant thereto, His Majesty and/or the Company shall pay to the City the sum of Four Hundred Dollars (\$400.00) in respect of the land appurtenant to each house so sold; And provided that whenever during the period from the 1st day of January, 1951 to the 31st day of December 1955 (both dates inclusive) as His Majesty shall sell or transfer any of the houses and land appurtenant thereto His Majesty and/or the Company shall pay to the City the sum of Two Hundred Dollars (\$200.00) in respect of the land appurtenant to each house so sold. PROVIDED FURTHER that in the year in which any house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in Clauses 7 and 8 hereof shall be pro rated proportionately to the part of the year during which His Majesty was owner of such house or houses and the lands appurtenant thereto.

11. His Majesty in consideration of the City entering into and executing these presents, hereby gives to the City an option irrevocable within the time for acceptance herein limited to purchase free from all encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lots owned by His Majesty on January 1st, 1961 as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company for the sum of One Thousand Dollars (\$1,000.00), for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of January, 1961 to the 31st day of March, 1961, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Clerk of the City sealed with the Corporate Seal of the City mailed postage prepaid and registered, addressed to His Majesty in care of the Company at 55 York Street, Toronto (or such other address as may be designated by His Majesty or the Company in writing), stating in such letter that this option is accepted and enclosing therewith an accepted cheque payable to the order of His Majesty in the amount of ten per centum (10%) of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty (60) days from the date of acceptance, all adjustments to be made as of the 31st day of March, 1961, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

12. His Majesty and/or the Company from and after the 1st day of April, 1961, shall pay annually to the City in respect of each house and the land appurtenant thereto while owned by His Majesty for services rendered and privileges and facilities made available, a sum equal to the amount of the taxes, rates and/or assessments, including local improvement rates, that would be payable in respect thereof if the same were owned by a non-exempt person, company and/or corporation. Such sum shall be paid to the City on or before the 31st day of December in each year commencing with the year 1961; provided that such payments shall be pro-rated in respect of the portion of the year in which each of the said houses and lands appurtenant thereto ceases to be owned by His Majesty.

13. Any existing or future provisions of the charter and/or by-laws of the City respecting the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

14. In the event that any of the houses while owned by His Majesty are damaged by fire or the elements or otherwise prior to the 1st day of April, 1961, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair or rebuild such house or completely remove the remains of such damaged house from the building lot or portion thereof appurtenant thereto. In the event of the removal of such damaged house His Majesty shall for the nominal sum of One Dollar convey to the City in fee simple free from all encumbrances (save and except any encumbrance which may be registered against such building lot or portion thereof at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the

building lot or portion thereof formerly appurtenant to such house. Such conveyance shall be by a deed or transfer approved by the solicitor for the City.

15. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario Legislation validating and confirming this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED:

In the Presence of:

Seal.

THE CORPORATION OF THE CITY
OF FORT WILLIAM

Per (Signed) GARFIELD ANDERSON,
Mayor.

Per (Signed) D. M. MARTIN,
Clerk.

HIS MAJESTY THE KING IN RIGHT
OF CANADA herein represented
by the Minister of Munitions
and Supply of Canada acting
through WARTIME HOUSING
LIMITED.

Per (Signed) B. A. BOULTEN,

Per (Signed) R. A. NEWCOMBE,

WARTIME HOUSING LIMITED:

Per (Signed) B. A. BOULTEN,

Per (Signed) R. A. NEWCOMBE.

FORT WILLIAM, ONT.—PROJECT No. 7

PROPOSED CITY PROPERTY FOR SOLDIERS' HOUSES

Parcel No.	Description	Location Next to	Front-age	Depth	No. of Houses
1.	W. 50' Lot 69, N/S W. Mary St., Plan 42.	311 W. Mary St.	50'	155'	1
2.	Lots 7-8, E/S Edward St., Block 2, Plan 70.	1016 Edward St.	50'	118'	1
3.	W. 1½ Lots 90-91, Block 2, Plan 70, N/S E. Mary St.	113 E. Mary St.	37.5'	155'	1
4.	E. 1½ Lots 88-89-90-91, and W. 1½ Lot 92, S/S W. Mary St., Plan 42.	300 W. Mary St.	264	155'	6
5.	E. 1½ Lot 99, Lot 100, Plan 42, S/S W. Mary St.	256 W. Mary St.	99'	155.5'	3
6.	Lots 52-5 S. Mary St.	West of House 236.	100'	155'	2
7.	Lots 64-65, S/S W. Mary St., Plan 222.	224 W. Mary St.	50'	155.5'	1
8.	Lots 67-68, S/S Mary St., Plan 222.	212 W. Mary St.	50'	155.5'	1
9.	Lots 20-29, S. Mary St., Block J, Plan 70.	West 1101 Edwards.	250'	155'	6
10.	Lots 7, 8, 9, S. 1½ Lot 10, Block 3, Plan 70.	1106 Edward St.	87.5'	118'	2
11.	W. 41' Lot 38, N. Brock St., T. Plot.	177 E. Brock St.	41'	155'	1
12.	Lot 55, E. 1½ Lot 56, N/S E. Brock St., Block 3, Plan 70.	127 E. Brock St.	37.5'	155'	1
13.	Lots 37, 38, W/S Edward St., Block J, Plan 70.	1113 Edward St.	50'	122'	1
14.	Lots 43-44 N/S W. Brock St., Block J, Plan 70.	117 W. Brock St.	50'	155'	1
15.	Lots 54-55-56, N/S W. Brock St., Block J, Plan 70.	141 W. Brock St.	75'	155'	2
16.	Lots 78-79-80-81, W/S Brown St., Plan 222.	56' No. of Brock.	100'	109.9'	2
17.	Lots 20-21, S/S W. Brock St., Block L, Plan 70.	132 W. Brock St.	50'	155'	1
18.	Lots 24, 25, 26, and W. 15' Lot 27, S/S E. Brock St., Bld. 4, Plan 70.	144 E. Brock St.	90'	155'	2
19.	W. 1½ Lots 39, 40, S/S E. Francis St., Town Plot.	170 E. Francis St.	198'	155'	5
20.	Lots 20-27, N. Frederica, Block O, Plan 70.	Bet. H. uses 231-249.	205'	155'	5
21.	Lots 15-16 N. Frederica, Block O, Plan 70.	Opp. House 222.	50'	155'	3
22.	Lots 1-2, N/S E. Empire Ave., Plan 226.	405 E. Empire Ave.	50.24'	120'	1
23.	Lot 8, N/S Christina St., T. Plot.	473 E. Christina	132'	155'	3
24.	Lot 28, N. Christina St., T. Plot.	273 E. Christina	76'	155'	2
25.	W. 76' of E. 92' of Lot 7, less C.P.R., S/S Christina St., T. Plot.	496 E. Christina	88'	155'	2
26.	E. 88' Lot 14, E/S Brock St., T. Plot.	411 E. Brock St.	66'	155'	1
27.	W. 68' Lot 29, N/S E. Brock St.	271 E. Brock St.	132'	155'	3
28.	Lot 32, S/S E. Brock St., T. Plot.	228 E. Brock St.	264'	155'	6
29.	Lots 13-14, S/S E. Brock St.	408 E. Brock St.			

PROPOSED CITY PROPERTIES FOR SOLDIERS' HOUSES

Parcel No.	Description	Location Next to	Front-age	Depth	No. of Houses
30.	C42' Lot 8, N/S E. Francis St.	481 E. Francis St.	42'	155'	1
31.	Lot 9, N/S Francis St., T. Plot.	463 E. Francis St.	132'	155'	3
32.	Lots 32-33, S/S E. Francis St., T. Plot.	218 E. Francis St.	264'	155'	6
33.	Lot 26, S. Francis St., T. Plot.	292 E. Francis St.	165'	118'	4
34.	Lot 26, N. Amelia St., T. Plot.	293 E. Amelia St.	165'	118.3'	4
35.	E. 66' Lot 28, N/S E. Amelia St., T. Plot.	277 E. Amelia St.	66'	155'	1
36.	E. 50' W. 100' Lot 33, S. Amelia St.	230 E. Amelia St.	50'	155'	1
37.	(Lot 21, less S.E. Corner of South Amelia Lot 22, S/S Amelia St., T. Plot. Lot 23, S. Amelia St., T. Plot. Lot 24, S. Amelia St., T. Plot.)	378 E. Amelia St. 378 E. Amelia St. 378 E. Amelia St. 1402 Tarbutt St.	132' 132' 132' 132'	155' 155' 155' 155'	13 }
					100



An Act respecting the City of
Fort William.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

April 1st, 1946

MR. ANDERSON

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Guelph.

MR. HAMILTON

(PRIVATE BILL)

No. 3

1946

BILL

An Act respecting the City of Guelph.

WHEREAS the Corporation of the City of Guelph has Preamble.
by its petition prayed for special legislation to confirm certain conveyances heretofore made and to increase the number of the members of the Board of Light and Heat Commissioners and to increase the number of the members of the General Hospital Commission; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The conveyance by the Corporation of the City of Regent Knitting Mills Ltd. conveyance validated.
Guelph to The Regent Knitting Mills Limited of certain lands in the said City of Guelph more particularly described in a deed dated the 19th day of June, 1928, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 25th day of June, 1928, in Book C. 36 for the City of Guelph as No. 30070, set out as schedule A hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof.

2. The conveyance by the Corporation of the City of Charles Pettiford conveyance validated.
Guelph to Charles Pettiford, to the use of the Robertson Taylor Manufacturing Co. Ltd., of certain lands in the said City of Guelph more particularly described in a deed dated July, 1900, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 7th day of February, 1901, in Book C for the City of Guelph as No. 460, set out as schedule B hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof.

3. The conveyance by the Corporation of the City of Zephyr Looms & Textiles Ltd. conveyance validated.
Guelph to Zephyr Looms & Textiles Limited of certain lands

in the said City of Guelph more particularly described in a deed dated the 17th day of September, 1945, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 10th day of November, 1945, in Book C. 53 for the City of Guelph as No. 44790, set out as schedule C hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof.

1929, c. 102
s. 4, subs. 1,
re-enacted.

4. Subsection 1 of section 4 of *The City of Guelph Act, 1929*, is repealed and the following substituted therefor:

Composition
of Board of
Light and
Heat Com-
missioners.

4.—(1) The Board of Light and Heat Commissioners of the City of Guelph shall consist of five members, of whom the mayor shall *ex officio* be one, and two members shall be appointed for the balance of the year 1946 by the municipal council at its first meeting after this Act comes into force. At the first meeting in each year thereafter the municipal council shall appoint four members, two of whom shall hold office for two years and two of whom shall hold office for one year, and all of whom shall continue to hold office until the expiration of the term for which they are appointed. The commissioners to be appointed shall not be members of the said council.

1930, c. 81
s. 5,
re-enacted.

5. Section 5 of *The Guelph General Hospital Act, 1930*, is repealed and the following substituted therefor:

Commission
to manage
hospital.

5. The council of the corporation shall appoint a commission of nine persons which shall include the mayor of the City of Guelph for the time being, which said commission shall have the management and control of the said hospital and shall have power to appoint, engage and remove all officers, nurses, servants and other persons engaged in or about the said hospital. All the members of the said commission shall be residents of the City of Guelph and shall possess property qualifications similar to those required for members of the said council, but no member of the said council, except the mayor, shall be a member of the said commission. Two members of the said commission shall be appointed for the balance of the year 1946 in addition to the members of the said commission heretofore appointed for the year 1946 by the said council, and at the first meeting of the said council in the year 1947 two members shall be appointed for a term of four years, two for a term of three years, two for a term of two years and two for a term of one year, and thereafter at the first meeting

of the said council in each year the said council shall appoint two members of the said commission to fill the places of the retiring members. The members of the said commission upon retirement shall be eligible for re-appointment. Five members of the said commission shall constitute a quorum for all purposes.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

7. This Act may be cited as *The City of Guelph Act, 1946*. Short title.

SCHEDULE A

THIS INDENTURE made (in duplicate) the Nineteenth day of June, one thousand nine hundred and twenty-eight.

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT,

BETWEEN:

THE CORPORATION OF THE CITY OF GUELPH, hereinafter
called the "Grantor"

OF THE FIRST PART,

—and—

THE REGENT KNITTING MILLS LIMITED, hereinafter
called the "Grantee"

OF THE SECOND PART.

WITNESSETH, that in consideration of One hundred and Sixteen and 20/100 (\$116.20) Dollars of lawful money of Canada, now paid by the said Grantee to the said Grantor, the receipt whereof is hereby by it acknowledged, it the said Grantor DOTH GRANT unto the said Grantee in fee simple

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario; being composed of part of the block of land known as the Market Place as shown on the Canada Company's Survey of the Town, now City of Guelph; containing an area of Seven Hundred and Sixteen (716) square feet, be the same more or less, and which said parcel or tract of land and premises may be more particularly described as follows:—

Commencing at a point in the westerly limit of Farquhar Street produced, distant two hundred and twenty-seven and three-tenths (227.3) feet more or less measured northerly along the said limit from its intersection with the production westerly of the northerly limit of Huskisson Street; the said point of commencement being also distant one hundred and fifty-six (156) feet measured northerly along the said westerly limit of Farquhar Street produced from the point where the line of the northerly face of the old drill shed would intersect the said limit of Farquhar Street produced;

Thence north 20 degrees 50 minutes east along the said limit of Farquhar Street produced, seventy-three and forty-two one hundredths (73.42) feet;

Thence south 50 degrees 37 minutes east sixteen and six one-hundredths (16.06) feet;

Thence south 20 degrees 50 minutes west twenty and seventeen one-hundredths (20.17) feet;

Thence south 38 degrees 23 minutes west fifty and seventy-seven one-hundredths (50.77) feet, more or less to the place of beginning as the same is shown bordered red on the sketch attached thereto.

TO HAVE AND TO HOLD unto the said Grantee its successors and assigns to and for its and their sole and only use forever.

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

THE said Grantor COVENANTS with the said Grantee THAT it has the right to convey the said lands to the said Grantee notwithstanding any acts of the said Grantor.

AND that the said Grantee shall have quiet possession of the said lands, free from all incumbrances.

AND the said Grantor COVENANTS with the said Grantee that it will execute such further assurances of the said lands as may be requisite.

AND the said Grantor COVENANTS with the said Grantee that it has done no act to incumber the said lands.

AND the said Grantor RELEASES to the said Grantee ALL its claims upon the said lands.

IN WITNESS WHEREOF the said parties hereto of the First part has set its Corporate Seal by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED
In the presence of:

(Signed) A. C. LITTLE.
Corporate Seal.

(Signed) R. B. ROBSON,

(Signed) HERBERT J. B. LEADLAY,
Clerk.

SCHEDULE B

THIS INDENTURE made in duplicate the _____ day
of July, 1900,

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF GUELPH,
OF THE FIRST PART;

CHARLES PETTIFORD, of the City of Guelph in the County
of Wellington,
— and —
OF THE SECOND PART;

THE ROBERTSON-TAYLOR MANUFACTURING COMPANY
LIMITED,
OF THE THIRD PART.

WHEREAS the parties of the first part obtained, through a dedication thereof by the Canada Company, for market purposes, a certain square in the City of Guelph known as the Market Square;

AND WHEREAS the part of the said Market Square hereinafter described is no longer required for market purposes, and the Canada Company has consented to the disposition by the Council of the Corporation of the City of Guelph of the part of the said square hereinafter described, for manufacturing purposes, and the parties of the first part have agreed to execute a conveyance of the said portion of the said square hereinafter mentioned and described, to the use of the parties of the third part, their successors and assigns, for manufacturing purposes, subject to the conditions hereinafter expressed;

AND WHEREAS it was agreed between the parties hereto of the first and third parts that the conditions above referred to, to which these presents are subject, should be so expressed under the Statute of Uses or otherwise as to cause the property hereby conveyed to the use of the parties of the third part, their successors and assigns, to revert to the said parties of the first part, in the case of the said parties of the third part, their successors and assigns, failing to observe the said conditions;

AND WHEREAS the said parties of the first part have agreed with the said parties of the third part to execute these presents in pursuance of the above recited agreement and in consideration of the sum of Two hundred and fifty dollars (the receipt whereof is hereby acknowledged), and to convey the said property to the said party of the second part and his heirs and to the uses and subject to all the conditions hereinafter particularly set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the said parties of the first part DO GRANT unto the said party of the second part and his heirs, to the uses hereinafter expressed.

ALL and SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph in the County of Wellington and Province of Ontario, being composed of part of the block of land known as the Market Square in the Canada Company's Survey of the said City, and which may be more particularly described as follows:—

Commencing at a point where a stone monument has been planted on the north-westerly limit of Farquhar Street produced and at a distance of one hundred and thirteen and one-half feet measured north-easterly from the point where the prolongation of the north-easterly limit of Huskisson Street intersects the said limit of Farquhar Street produced two hundred and thirty-six feet to where a stone has been planted to mark the easterly angle of the said parcel of land,

Thence north forty-nine degrees west, twenty-five feet to where a stone has been planted at the northerly angle of the said parcel of land,

Thence south thirty-seven degrees and ten minutes west two hundred and fifty-eight feet to where a stone has been planted at the westerly angle of the said parcel of land,

Thence south sixty-nine degrees and ten minutes east one hundred and two feet to the place of beginning,

Containing $34/100$ of an acre, be the same more or less, and is shown coloured on the sketch thereto attached.

To HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns forever, to the following uses, that is to say,

(1). To the use of the said The Robertson-Taylor Manufacturing Company, Limited, the parties hereto of the third part, their successors and assigns, until the breach by the said parties of the third part, their successors and assigns, of any or all of the conditions hereunder to which these presents are expressly subject, and from and after any such breach by the said parties of the third part, their successors and assigns, of any or all of the said conditions to such further uses as are hereinafter set forth, the above-mentioned conditions being the following, that is to say:—

The said Parties of the third part shall, within four months from the day of the date hereof, erect upon the part of the said Market Square property more particularly described as aforesaid, a brick factory, with stone foundation, of at least the following dimensions, that is to say, Eighty feet by forty feet, two storeys and a basement; and that the said land hereby conveyed and the said factory so to be erected as aforesaid shall in all time to come be used by the said parties of the third part, their successors and assigns, for manufacturing purposes only;

And from and after the failure by the said parties of the third part, their successors and assigns, to observe any or all of the above conditions, or from and after the breach by them, their successors or assigns, of any or all of the said conditions;

To THE USE of the Municipal Corporation of the City of Guelph, the parties hereto of the first part, and their successors forever;

And the said parties of the third part for themselves, their successors and assigns, covenant with the said parties of the first part, that upon the failure by them, their successors or assigns, to perform any or all of the conditions above-mentioned, or upon any breach of any or all of the said conditions by them, their successors or assigns, they the said parties of the third part, their successors or assigns, will execute such release to the said parties of the first part of all claims, right, title or interest in the lands herein conveyed, as the said parties of the first part may deem requisite;

And the parties of the first part hereby covenant with the parties of the third part that so long as the parties of the third part, their successors and assigns, shall, by virtue hereof, be entitled to the said land hereby conveyed and to the use thereof, they the said parties of the first part, their successors and assigns, shall not erect any building within a distance of 15 feet from the south-westerly limit of the part of the said square hereby conveyed.

IN WITNESS WHEREOF, the parties hereto have executed these presents as follows,—The parties of the first part have caused their Corporate Seal and the signatures of the Mayor and City Clerk to be set hereto; the parties of the third part have caused their Corporate Seal and the signatures of their President and Secretary to be set hereto; and

the party of the second part has hereunto set his hand and seal; all the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of

(Signed) R. E. NELSON,
Mayor.
Corporate Seal.

(Signed) RICHARD MITCHELL,
City Clerk.

SCHEDULE C

THIS INDENTURE made in duplicate the Seventeenth day of September in the year of our Lord one thousand nine hundred and forty-five

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT:

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF GUELPH,
hereinafter called the Grantor,

OF THE FIRST PART;

—and—

ZEPHYR LOOMS & TEXTILES LIMITED, whose Head Office
is in the City of Guelph in the County of Wellington,
hereinafter called the Grantee,

OF THE SECOND PART.

WITNESSETH that in consideration of the sum of Two Thousand Five Hundred (\$2,500.00) dollars of lawful money of Canada now paid by the said grantee to the said grantor (the receipt whereof is hereby by it acknowledged) the said Grantor DOTH GRANT unto the said grantee in fee simple ALL and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Guelph in the County of Wellington and Province of Ontario being composed of part of the Market Square or Market Place as shown on the Canada Company's Survey of the Town, now City of Guelph; containing an area of three-tenths (0.3) of an acre, more or less, and which said parcel or tract of land and premises may be more particularly described as follows: premising that all bearings herein are referred to the line of Farquhar Street which is assumed to be north 20 degrees 50 minutes east commencing at an iron bar planted at the point where the production north-easterly of the north-westerly limit of Farquhar Street is intersected by the production north-westerly of the north-easterly limit of Huskisson Street; thence north 69 degrees 59 minutes west along the said production of the north-easterly limit of Huskisson Street eighty-nine (89) feet; thence north 52 degrees 29 minutes west forty-six and thirty-five one-hundredths (46.35) feet more or less to the south-easterly limit of lands of the Canadian National Railway Company; thence north 38 degrees 23 minutes east along the said last mentioned limit one hundred and three and seventy-three one-hundredths (103.73) feet to the westerly angle of the lands formerly conveyed by the Corporation of the City of Guelph to Charles Pettiford by Registered Instrument No. 460 Book C. for said City, which said lands are now owned by the Zephyr Looms & Textiles Limited; thence south 70 degrees 13 minutes east along the south-westerly limit of said lands so conveyed one hundred and two (102) feet to the production north-easterly of the said north-westerly limit of Farquhar Street; thence south 20 degrees 50 minutes west along said production one hundred and twelve and eight-tenths (112.8) feet more or less to the place of beginning.

TO HAVE AND TO HOLD unto the said grantee its successors and assigns to and for their sole and only use forever,

SUBJECT NEVERTHELESS to the reservations, limitations, provisos and conditions expressed in the original grant thereof from the Crown.

The said grantor COVENANTS with the said grantee THAT it has the right to convey the said lands to the said grantee notwithstanding any act of the said grantor.

AND that the said grantee shall have quiet possession of the said lands free from all encumbrances.

AND the said grantor COVENANTS with the said grantee that it will execute such further assurances of the said lands as may be requisite.

AND the said grantor COVENANTS with the said grantee that it has done no act to encumber the said lands.

AND the said grantor RELEASES to the said grantee ALL its claims upon the said lands.

IN WITNESS WHEREOF the Municipal Corporation of the City of Guelph has hereunto affixed its Corporate Seal attested by the hands of the Mayor and Clerk of the said Corporation.

<p>SIGNED, SEALED AND DELIVERED</p> <p>In the presence of Corporate Seal.</p>	<p>THE MUNICIPAL CORPORATION OF THE CITY OF GUELPH</p> <p>(Signed) G. RIFE, <i>Mayor.</i></p> <p>(Signed) HERBERT J. B. LEADLAY, <i>Clerk.</i></p>
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An Act respecting the City of Guelp^h.

1st Reading

2nd Reading

3rd Reading

MR. HAMILTON

(*Private Bill*)

No. 3

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Guelph.

MR. HAMILTON

BILL

An Act respecting the City of Guelph.

WHEREAS the Corporation of the City of Guelph has Preamble.
by its petition prayed for special legislation to confirm certain conveyances heretofore made and to increase the number of the members of the Board of Light and Heat Commissioners and to increase the number of the members of the General Hospital Commission; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The conveyance by the Corporation of the City of Guelph to The Regent Knitting Mills Limited of certain lands in the said City of Guelph more particularly described in a deed dated the 19th day of June, 1928, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 25th day of June, 1928, in Book C. 36 for the City of Guelph as No. 30070, set out as schedule A hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the rate-payers thereof. Regent Knitting Mills Ltd. conveyance validated.

2. The conveyance by the Corporation of the City of Guelph to Charles Pettiford, to the use of the Robertson Taylor Manufacturing Co. Ltd., of certain lands in the said City of Guelph more particularly described in a deed dated July, 1900, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 7th day of February, 1901, in Book C for the City of Guelph as No. 460, set out as schedule B hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof. Charles Pettiford conveyance validated.

3. The conveyance by the Corporation of the City of Guelph to Zephyr Looms & Textiles Limited of certain lands Zephyr Looms & Textiles Ltd. conveyance validated.

in the said City of Guelph more particularly described in a deed dated the 17th day of September, 1945, and registered in the Registry Office for the Registry Division of the South and Centre Ridings of the County of Wellington on the 10th day of November, 1945, in Book C. 53 for the City of Guelph as No. 44790, set out as schedule C hereto, is hereby validated and confirmed and declared to be and always to have been, legal, valid and binding upon the said Corporation and the ratepayers thereof.

1929, c. 102
s. 4, subs. 1,
re-enacted.

4. Subsection 1 of section 4 of *The City of Guelph Act, 1929*, is repealed and the following substituted therefor:

Composition
of Board of
Light and
Heat Com-
missioners.

4.—(1) The Board of Light and Heat Commissioners of the City of Guelph shall consist of five members, of whom the mayor shall *ex officio* be one, and two members shall be appointed for the balance of the year 1946 by the municipal council at its first meeting after this Act comes into force. At the first meeting in each year thereafter the municipal council shall appoint four members, two of whom shall hold office for two years and two of whom shall hold office for one year, and all of whom shall continue to hold office until the expiration of the term for which they are appointed. The commissioners to be appointed shall not be members of the said council.

1930, c. 81
s. 5,
re-enacted.

5. Section 5 of *The Guelph General Hospital Act, 1930*, is repealed and the following substituted therefor:

Commission
to manage
hospital.

5. The council of the corporation shall appoint a commission of nine persons which shall include the mayor of the City of Guelph for the time being, which said commission shall have the management and control of the said hospital and shall have power to appoint, engage and remove all officers, nurses, servants and other persons engaged in or about the said hospital. All the members of the said commission shall be residents of the City of Guelph and shall possess property qualifications similar to those required for members of the said council, but no member of the said council, except the mayor, shall be a member of the said commission. Two members of the said commission shall be appointed for the balance of the year 1946 in addition to the members of the said commission heretofore appointed for the year 1946 by the said council, and at the first meeting of the said council in the year 1947 two members shall be appointed for a term of four years, two for a term of three years, two for a term of two years and two for a term of one year, and thereafter at the first meeting

of the said council in each year the said council shall appoint two members of the said commission to fill the places of the retiring members. The members of the said commission upon retirement shall be eligible for re-appointment. Five members of the said commission shall constitute a quorum for all purposes.

6. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

7. This Act may be cited as *The City of Guelph Act, 1946*. Short title.

SCHEDULE A

THIS INDENTURE made (in duplicate) the Nineteenth day of June, one thousand nine hundred and twenty-eight.

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT,

BETWEEN:

THE CORPORATION OF THE CITY OF GUELPH, hereinafter
called the "Grantor"

OF THE FIRST PART,

—and—

THE REGENT KNITTING MILLS LIMITED, hereinafter
called the "Grantee"

OF THE SECOND PART.

WITNESSETH, that in consideration of One hundred and Sixteen and 20/100 (\$116.20) Dollars of lawful money of Canada, now paid by the said Grantee to the said Grantor, the receipt whereof is hereby by it acknowledged, it the said Grantor DOTH GRANT unto the said Grantee in fee simple

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph, in the County of Wellington and Province of Ontario; being composed of part of the block of land known as the Market Place as shown on the Canada Company's Survey of the Town, now City of Guelph; containing an area of Seven Hundred and Sixteen (716) square feet, be the same more or less, and which said parcel or tract of land and premises may be more particularly described as follows:—

Commencing at a point in the westerly limit of Farquhar Street produced, distant two hundred and twenty-seven and three-tenths (227.3) feet more or less measured northerly along the said limit from its intersection with the production westerly of the northerly limit of Huskisson Street; the said point of commencement being also distant one hundred and fifty-six (156) feet measured northerly along the said westerly limit of Farquhar Street produced from the point where the line of the northerly face of the old drill shed would intersect the said limit of Farquhar Street produced;

Thence north 20 degrees 50 minutes east along the said limit of Farquhar Street produced, seventy-three and forty-two one hundredths (73.42) feet;

Thence south 50 degrees 37 minutes east sixteen and six one-hundredths (16.06) feet;

Thence south 20 degrees 50 minutes west twenty and seventeen one-hundredths (20.17) feet;

Thence south 38 degrees 23 minutes west fifty and seventy-seven one-hundredths (50.77) feet, more or less to the place of beginning as the same is shown bordered red on the sketch attached thereto.

TO HAVE AND TO HOLD unto the said Grantee its successors and assigns to and for its and their sole and only use forever.

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

THE said Grantor COVENANTS with the said Grantee THAT it has the right to convey the said lands to the said Grantee notwithstanding any acts of the said Grantor.

AND that the said Grantee shall have quiet possession of the said lands, free from all incumbrances.

AND the said Grantor COVENANTS with the said Grantee that it will execute such further assurances of the said lands as may be requisite.

AND the said Grantor COVENANTS with the said Grantee that it has done no act to incumber the said lands.

AND the said Grantor RELEASES to the said Grantee ALL its claims upon the said lands.

IN WITNESS WHEREOF the said parties hereto of the First part has set its Corporate Seal by the hands of its proper officers.

SIGNED, SEALED AND DELIVERED
In the presence of:

(Signed) A. C. LITTLE.
Corporate Seal.

(Signed) R. B. ROBSON,

(Signed) HERBERT J. B. LEADLAY,
Clerk.

SCHEDULE B

THIS INDENTURE made in duplicate the _____ day
of July, 1900,

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF GUELPH,
OF THE FIRST PART;

CHARLES PETTIFORD, of the City of Guelph in the County
of Wellington,
OF THE SECOND PART;

— and —

THE ROBERTSON-TAYLOR MANUFACTURING COMPANY
LIMITED,
OF THE THIRD PART.

WHEREAS the parties of the first part obtained, through a dedication thereof by the Canada Company, for market purposes, a certain square in the City of Guelph known as the Market Square;

AND WHEREAS the part of the said Market Square hereinafter described is no longer required for market purposes, and the Canada Company has consented to the disposition by the Council of the Corporation of the City of Guelph of the part of the said square hereinafter described, for manufacturing purposes, and the parties of the first part have agreed to execute a conveyance of the said portion of the said square hereinafter mentioned and described, to the use of the parties of the third part, their successors and assigns, for manufacturing purposes, subject to the conditions hereinafter expressed;

AND WHEREAS it was agreed between the parties hereto of the first and third parts that the conditions above referred to, to which these presents are subject, should be so expressed under the Statute of Uses or otherwise as to cause the property hereby conveyed to the use of the parties of the third part, their successors and assigns, to revert to the said parties of the first part, in the case of the said parties of the third part, their successors and assigns, failing to observe the said conditions;

AND WHEREAS the said parties of the first part have agreed with the said parties of the third part to execute these presents in pursuance of the above recited agreement and in consideration of the sum of Two hundred and fifty dollars (the receipt whereof is hereby acknowledged), and to convey the said property to the said party of the second part and his heirs and to the uses and subject to all the conditions hereinafter particularly set forth;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of the premises the said parties of the first part DO GRANT unto the said party of the second part and his heirs, to the uses hereinafter expressed.

ALL and SINGULAR that certain parcel or tract of land and premises situate, lying and being in the City of Guelph in the County of Wellington and Province of Ontario, being composed of part of the block of land known as the Market Square in the Canada Company's Survey of the said City, and which may be more particularly described as follows:—

Commencing at a point where a stone monument has been planted on the north-westerly limit of Farquhar Street produced and at a distance of one hundred and thirteen and one-half feet measured north-easterly from the point where the prolongation of the north-easterly limit of Huskisson Street intersects the said limit of Farquhar Street produced two hundred and thirty-six feet to where a stone has been planted to mark the easterly angle of the said parcel of land,

Thence north forty-nine degrees west, twenty-five feet to where a stone has been planted at the northerly angle of the said parcel of land,

Thence south thirty-seven degrees and ten minutes west two hundred and fifty-eight feet to where a stone has been planted at the westerly angle of the said parcel of land,

Thence south sixty-nine degrees and ten minutes east one hundred and two feet to the place of beginning,

Containing 34/100 of an acre, be the same more or less, and is shown coloured on the sketch thereto attached.

TO HAVE AND TO HOLD unto the said party of the second part, his heirs and assigns forever, to the following uses, that is to say,

(1). To the use of the said The Robertson-Taylor Manufacturing Company, Limited, the parties hereto of the third part, their successors and assigns, until the breach by the said parties of the third part, their successors and assigns, of any or all of the conditions hereunder to which these presents are expressly subject, and from and after any such breach by the said parties of the third part, their successors and assigns, of any or all of the said conditions to such further uses as are hereinafter set forth, the above-mentioned conditions being the following, that is to say:—

The said Parties of the third part shall, within four months from the day of the date hereof, erect upon the part of the said Market Square property more particularly described as aforesaid, a brick factory, with stone foundation, of at least the following dimensions, that is to say, Eighty feet by forty feet, two storeys and a basement; and that the said land hereby conveyed and the said factory so to be erected as aforesaid shall in all time to come be used by the said parties of the third part, their successors and assigns, for manufacturing purposes only;

And from and after the failure by the said parties of the third part, their successors and assigns, to observe any or all of the above conditions, or from and after the breach by them, their successors or assigns, of any or all of the said conditions;

TO THE USE of the Municipal Corporation of the City of Guelph, the parties hereto of the first part, and their successors forever;

And the said parties of the third part for themselves, their successors and assigns, covenant with the said parties of the first part, that upon the failure by them, their successors or assigns, to perform any or all of the conditions above-mentioned, or upon any breach of any or all of the said conditions by them, their successors or assigns, they the said parties of the third part, their successors or assigns, will execute such release to the said parties of the first part of all claims, right, title or interest in the lands herein conveyed, as the said parties of the first part may deem requisite;

And the parties of the first part hereby covenant with the parties of the third part that so long as the parties of the third part, their successors and assigns, shall, by virtue hereof, be entitled to the said land hereby conveyed and to the use thereof, they the said parties of the first part, their successors and assigns, shall not erect any building within a distance of 15 feet from the south-westerly limit of the part of the said square hereby conveyed.

IN WITNESS WHEREOF, the parties hereto have executed these presents as follows,—The parties of the first part have caused their Corporate Seal and the signatures of the Mayor and City Clerk to be set hereto; the parties of the third part have caused their Corporate Seal and the signatures of their President and Secretary to be set hereto; and

the party of the second part has hereunto set his hand and seal; all the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of

(Signed) R. E. NELSON,
Mayor.
Corporate Seal.

(Signed) RICHARD MITCHELL,
City Clerk.

SCHEDULE C

THIS INDENTURE made in duplicate the Seventeenth day of September in the year of our Lord one thousand nine hundred and forty-five

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT:

BETWEEN:

THE MUNICIPAL CORPORATION OF THE CITY OF GUELPH,
hereinafter called the Grantor,

OF THE FIRST PART;

—and—

ZEPHYR LOOMS & TEXTILES LIMITED, whose Head Office
is in the City of Guelph in the County of Wellington,
hereinafter called the Grantee,

OF THE SECOND PART.

WITNESSETH that in consideration of the sum of Two Thousand Five Hundred (\$2,500.00) dollars of lawful money of Canada now paid by the said grantee to the said grantor (the receipt whereof is hereby by it acknowledged) the said Grantor DOTH GRANT unto the said grantee in fee simple ALL and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Guelph in the County of Wellington and Province of Ontario being composed of part of the Market Square or Market Place as shown on the Canada Company's Survey of the Town, now City of Guelph; containing an area of three-tenths (0.3) of an acre, more or less, and which said parcel or tract of land and premises may be more particularly described as follows: premising that all bearings herein are referred to the line of Farquhar Street which is assumed to be north 20 degrees 50 minutes east commencing at an iron bar planted at the point where the production north-easterly of the north-westerly limit of Farquhar Street is intersected by the production north-westerly of the north-easterly limit of Huskisson Street; thence north 69 degrees 59 minutes west along the said production of the north-easterly limit of Huskisson Street eighty-nine (89) feet; thence north 52 degrees 29 minutes west forty-six and thirty-five one-hundredths (46.35) feet more or less to the south-easterly limit of lands of the Canadian National Railway Company; thence north 38 degrees 23 minutes east along the said last mentioned limit one hundred and three and seventy-three one-hundredths (103.73) feet to the westerly angle of the lands formerly conveyed by the Corporation of the City of Guelph to Charles Pettiford by Registered Instrument No. 460 Book C. for said City, which said lands are now owned by the Zephyr Looms & Textiles Limited; thence south 70 degrees 13 minutes east along the south-westerly limit of said lands so conveyed one hundred and two (102) feet to the production north-easterly of the said north-westerly limit of Farquhar Street; thence south 20 degrees 50 minutes west along said production one hundred and twelve and eight-tenths (112.8) feet more or less to the place of beginning.

TO HAVE AND TO HOLD unto the said grantee its successors and assigns to and for their sole and only use forever,

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

The said grantor COVENANTS with the said grantee THAT it has the right to convey the said lands to the said grantee notwithstanding any act of the said grantor.

AND that the said grantee shall have quiet possession of the said lands free from all encumbrances.

AND the said grantor COVENANTS with the said grantee that it will execute such further assurances of the said lands as may be requisite.

AND the said grantor COVENANTS with the said grantee that it has done no act to encumber the said lands.

AND the said grantor RELEASES to the said grantee ALL its claims upon the said lands.

IN WITNESS WHEREOF the Municipal Corporation of the City of Guelph has hereunto affixed its Corporate Seal attested by the hands of the Mayor and Clerk of the said Corporation.

SIGNED, SEALED AND DELIVERED

In the presence of
Corporate Seal.

THE MUNICIPAL CORPORATION OF
THE CITY OF GUELPH

(Signed) G. RIFE,

Mayor.

(Signed) HERBERT J. B. LEADLAY,
Clerk.

An Act respecting the City of Guelph.

1st Reading

March 19th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. HAMILTON

No. 4

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Scarborough.

MR. LESLIE

(PRIVATE BILL)

BILL

An Act respecting the Township of Scarborough.

WHEREAS the Corporation of the Township of Scar- Preamble.
borough has by its petition prayed for special legislation
in respect of the several matters hereinafter set forth; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Section 16 of *The Township of Scarborough Act, 1923*, 1923,
is amended by adding thereto the following subsections: c. 88, s. 16,
amended.

- (2) The Council of the Corporation of the Township of Incinerator.
Scarborough may without the assent of the electors
qualified to vote on money by-laws, pass by-laws
upon first having received the approval of the
Provincial Board of Health, providing for the con-
struction, erection, operation and maintenance of an
incinerator, including all such buildings, machinery,
plant and equipment as may be deemed necessary
for the disposal of garbage, and other refuse and may,
without the assent of the electors qualified to vote on
money by-laws, pass by-laws for the issue of deben-
tures to pay for the cost of construction thereof,
such debentures to be payable within a term not
exceeding fifteen years from the date of issue thereof
and bearing such interest as the council may deem
proper.
- (3) The Council of the Corporation of the Township of Idem.
Scarborough may in the same manner as authorized
in subsection 2, enter into an agreement with the
council of any adjoining municipality for the con-
struction or operation and maintenance of any such
incinerator and equipment on such terms as may be
mutually agreed.

Tourist
and trailer
camps.

2.—(1) By-laws may be passed by the Corporation of the Township of Scarborough for licensing, regulating and governing tourist camps and trailer camps and for fixing the fee to be charged for the license and for revoking any such license.

Idem.

(2) For the purposes of this section,—

(a) “tourist camp” shall mean any house, building, structure or vehicle, or portion thereof, in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time or any part of which is let for any person to sleep in for any time less than a week, but shall not include an hotel within the meaning of *The Liquor Control Act*; the

Rev. Stat.,
c. 294.

(b) “trailer camp” shall mean any land in or upon which any vehicle, conveyance or structure, whether the same is upon wheels or self-propellable or a fixture, or not, may be stood, placed, kept or maintained and which vehicle, conveyance or structure is used by any person as a place in which to eat, sleep or reside, temporarily or otherwise, and whether or not for hire, gain, rental, fee, license or other reward or remuneration.

Rev. Stat.,
c. 266, s. 407,
para. 42,
and ss. 428,
429, 432,
applicable
to Town-
ship.

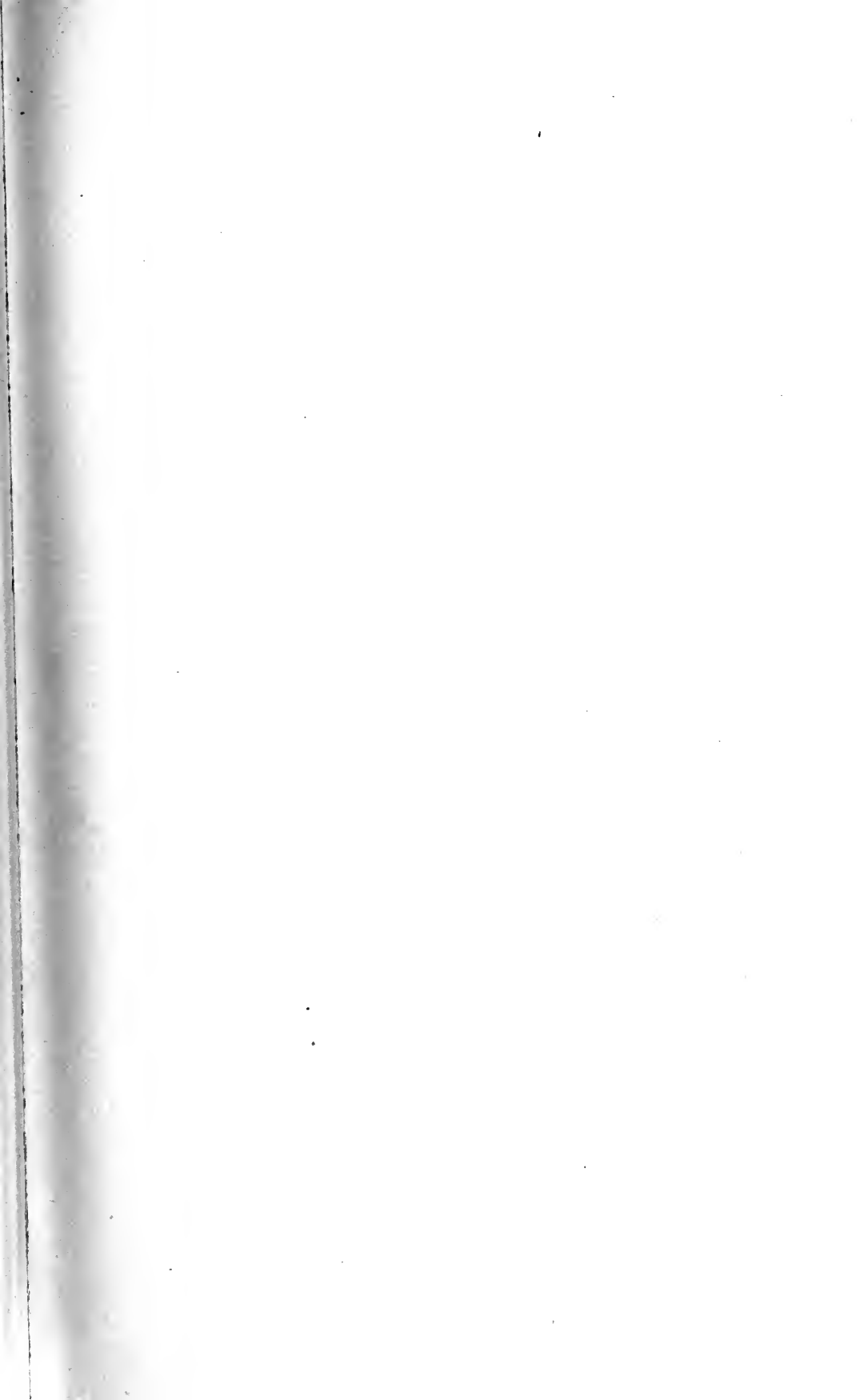
3. For the purposes of paragraph 42 of section 407 and sections 428, 429 and 432 of *The Municipal Act* the Township of Scarborough shall be deemed a city and the said paragraph and sections shall be applicable to the Township accordingly.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of Scarborough Act, 1946*.



Bill
An Act respecting the Township
of Scarborough.

1st Reading

2nd Reading

3rd Reading

MR. LESLIE

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of New Liskeard.

MR. ROBERTS

(PRIVATE BILL)

No. 5

1946

BILL

An Act respecting the Town of New Liskeard.

WHEREAS the Corporation of the Town of New Liskeard ^{Preamble.} has by its petition prayed for special legislation to confirm a certain annexation order of the Ontario Municipal Board; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Order No. P.F. B-4177 of the Ontario Municipal Board dated the 19th day of November, 1945, set out as ^{Annexation order confirmed.} schedule A hereto, is hereby confirmed.

(2) The said order shall be deemed to have had effect as of ^{Effective date.} midnight, the 31st day of December, 1945.

2. This Act shall come into force on the day upon which it ^{Commence-ment of Act.} receives the Royal Assent.

3. This Act may be cited as *The Town of New Liskeard Act, 1946.* ^{Short title.}

SCHEDULE A

(P.F. B-4177)

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Dymond, District of Temiskaming, Province of Ontario, comprising all or part of Lots Nos. 7, 8 and 9, and broken Lot 10 in Concession 2, and Lot 7 and broken Lots 8 and 9 in Concession 1, more particularly described as follows: Namely:

FIRSTLY: All of Lot 7, Concession 1 in the said Township of Dymond;

SECONDLY: All of Lot 7, Concession 2 in the said Township of Dymond;

THIRDLY: All of broken Lot 10, Concession 2 in the said Township of Dymond;

FOURTHLY: All of Lots 8 and 9, Concession 2 in the said Township of Dymond and all of broken Lots 8 and 9 Concession 1 in the said Township of Dymond excepting that portion included within the town boundaries of New Liskeard as surveyed in accordance with description embodied in Proclamation dated 30th day of March, 1903, and published in the *Ontario Gazette* of the 4th day of April, 1903, as follows, namely:

COMMENCING at the south-east corner of said Lot No. 9, in the second Concession of the Township of Dymond aforesaid; thence northerly along the easterly boundary of said Lot No. 9 a distance of fifty-five chains; thence across said Lot No. 9 and said Lot No. 8 in the said Second Concession of the said Township of Dymond and parallel with the northerly boundaries of said Lots Nos. 9 and 8 to the westerly boundary of said Lot No. 8; thence southerly along the westerly boundary of said Lot No. 8 to the south-west corner of said Lot No. 8 a distance of fifty-five chains; thence commencing at the north-west corner of said Lot No. 8 in the First Concession of the said Township of Dymond; Thence southerly along the westerly boundary of said last mentioned Lot No. 8 a distance of thirty-nine chains; thence easterly and parallel with the southerly boundary of said last mentioned Lot No. 8 a distance of twenty chains; thence southerly and parallel with the westerly boundary of said Lot No. 8 to the southerly boundary of said Lot a distance of forty-one chains; thence easterly along the southerly boundary of said Lot No. 8 a distance of nine chains and fifty links, more or less, to the water's edge of Lake Timiskaming; thence north and easterly along the water's edge of said Lake and along the south-easterly side of said Lot No. 8 last mentioned and Lot No. 9 in the said First Concession of the Township of Dymond aforesaid, to the mouth of the Wabi's Creek and across the mouth of said Wabi's Creek to the north-east corner of said last mentioned Lot No. 9; thence following the said Lake Shore to the point where the southerly boundary of said Second Concession of the Township of Dymond intersects the said Lake Shore; thence westerly along the said southerly boundary of the said Second Concession to the place of beginning;

AND containing a total area of 1187 acres be the same more or less.

(P.F. B-4177)

MONDAY, the Nineteenth day of November, A.D., 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andD. S. CHARLTON, Esq.,
Vice-Chairman.IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O. 1937,
Chapter 266), (as re-enacted by
"The Municipal Amendment Act
1939", 3 Geo. VI, Chapter 30,
Section 2), andIN THE MATTER OF an Application by
the Corporation of the Town of
New Liskeard for annexation to the
Town of New Liskeard of part of
the Township of Dymond herein-
after mentioned and described.

UPON THE APPLICATION of the Corporation of the Town of New Liskeard, and the Board having appointed Thursday, the 15th day of November, 1945, at ten o'clock in the forenoon at the Council Chambers, New Liskeard, Ontario, for the Hearing of this application, and upon being satisfied that notice of the Appointment for Hearing was given as directed by the Board, and upon reading By-law No. 919 of the Council of the Town of New Liskeard, passed the 29th day of June, 1945, herein, filed with the Board, authorizing this Application, and other material filed, and upon holding the said public Hearing at the Council Chambers, New Liskeard, Ontario, on Thursday, the 15th day of November, 1945, and upon hearing what was alleged at the said Hearing,

THE BOARD ORDERS, under and in pursuance of the provisions of Section 23 of "The Municipal Act" (R.S.O. 1937, Chapter 266) (as re-enacted by "The Municipal Amendment Act 1939" 3 George VI, Chapter 30, Section 2),

(1) That that part of the Township of Dymond, in the District of Temiskaming, described in Schedule "A" hereto, be and the same is hereby annexed to the Town of New Liskeard, and the said annexation shall take effect as of midnight, the 31st day of December, 1945.

(2) That there shall be an adjustment of assets and liabilities between the said Town of New Liskeard and the said Township of Dymond in respect of the annexation of the said land in accordance with the provisions of "The Municipal Act".

Payment of the Board's fee on this application pursuant to R.S.O. 1937, C. 60, S. 104 and S. 107 (re-enacted by S.O. 1939, Chapter 47) in the sum of \$25.00 is hereby acknowledged and confirmed.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

An Act respecting the Town of
New Liskeard.

1st Reading

2nd Reading

3rd Reading

MR. ROBERTS

(*Private Bill*)

No. 5

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of New Liskeard.

MR. ROBERTS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 5

1946

BILL

An Act respecting the Town of New Liskeard.

WHEREAS the Corporation of the Town of New Liskeard ^{Preamble.} has by its petition prayed for special legislation to confirm a certain annexation order of the Ontario Municipal Board; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Order No. P.F. B-4177 of the Ontario Municipal Board dated the 19th day of November, 1945, set out as ^{Annexation order confirmed.} schedule A hereto, is hereby confirmed.

(2) The said order shall be deemed to have had effect as of ^{Effective date.} midnight, the 31st day of December, 1945.

2. This Act shall come into force on the day upon which it ^{Commencement of Act.} receives the Royal Assent.

3. This Act may be cited as *The Town of New Liskeard* ^{Short title.} Act, 1946.

SCHEDULE A

(P.F. B-4177)

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the Township of Dymond, District of Temiskaming, Province of Ontario, comprising all or part of Lots Nos. 7, 8 and 9, and broken Lot 10 in Concession 2, and Lot 7 and broken Lots 8 and 9 in Concession 1, more particularly described as follows: Namely:

FIRSTLY: All of Lot 7, Concession 1 in the said Township of Dymond;

SECONDLY: All of Lot 7, Concession 2 in the said Township of Dymond;

THIRDLY: All of broken Lot 10, Concession 2 in the said Township of Dymond;

FOURTHLY: All of Lots 8 and 9, Concession 2 in the said Township of Dymond and all of broken Lots 8 and 9 Concession 1 in the said Township of Dymond excepting that portion included within the town boundaries of New Liskeard as surveyed in accordance with description embodied in Proclamation dated 30th day of March, 1903, and published in the *Ontario Gazette* of the 4th day of April, 1903, as follows, namely:

COMMENCING at the south-east corner of said Lot No. 9, in the second Concession of the Township of Dymond aforesaid; thence northerly along the easterly boundary of said Lot No. 9 a distance of fifty-five chains; thence across said Lot No. 9 and said Lot No. 8 in the said Second Concession of the said Township of Dymond and parallel with the northerly boundaries of said Lots Nos. 9 and 8 to the westerly boundary of said Lot No. 8; thence southerly along the westerly boundary of said Lot No. 8 to the south-west corner of said Lot No. 8 a distance of fifty-five chains; thence commencing at the north-west corner of said Lot No. 8 in the First Concession of the said Township of Dymond; Thence southerly along the westerly boundary of said last mentioned Lot No. 8 a distance of thirty-nine chains; thence easterly and parallel with the southerly boundary of said last mentioned Lot No. 8 a distance of twenty chains; thence southerly and parallel with the westerly boundary of said Lot No. 8 to the southerly boundary of said Lot a distance of forty-one chains; thence easterly along the southerly boundary of said Lot No. 8 a distance of nine chains and fifty links, more or less, to the water's edge of Lake Timiskaming; thence north and easterly along the water's edge of said Lake and along the south-easterly side of said Lot No. 8 last mentioned and Lot No. 9 in the said First Concession of the Township of Dymond aforesaid, to the mouth of the Wabi's Creek and across the mouth of said Wabi's Creek to the north-east corner of said last mentioned Lot No. 9; thence following the said Lake Shore to the point where the southerly boundary of said Second Concession of the Township of Dymond intersects the said Lake Shore; thence westerly along the said southerly boundary of the said Second Concession to the place of beginning;

AND containing a total area of 1187 acres be the same more or less.

(P.F. B-4177)

MONDAY, the Nineteenth day of November, A.D., 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman, andD. S. CHARLTON, Esq.,
Vice-Chairman.IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O. 1937,
Chapter 266), (as re-enacted by
"The Municipal Amendment Act
1939", 3 Geo. VI, Chapter 30,
Section 2), andIN THE MATTER OF an Application by
the Corporation of the Town of
New Liskeard for annexation to the
Town of New Liskeard of part of
the Township of Dymond herein-
after mentioned and described.

UPON THE APPLICATION of the Corporation of the Town of New Liskeard, and the Board having appointed Thursday, the 15th day of November, 1945, at ten o'clock in the forenoon at the Council Chambers, New Liskeard, Ontario, for the Hearing of this application, and upon being satisfied that notice of the Appointment for Hearing was given as directed by the Board, and upon reading By-law No. 919 of the Council of the Town of New Liskeard, passed the 29th day of June, 1945, herein, filed with the Board, authorizing this Application, and other material filed, and upon holding the said public Hearing at the Council Chambers, New Liskeard, Ontario, on Thursday, the 15th day of November, 1945, and upon hearing what was alleged at the said Hearing,

THE BOARD ORDERS, under and in pursuance of the provisions of Section 23 of "The Municipal Act" (R.S.O. 1937, Chapter 266) (as re-enacted by "The Municipal Amendment Act 1939" 3 George VI, Chapter 30, Section 2),

(1) That that part of the Township of Dymond, in the District of Temiskaming, described in Schedule "A" hereto, be and the same is hereby annexed to the Town of New Liskeard, and the said annexation shall take effect as of midnight, the 31st day of December, 1945.

(2) That there shall be an adjustment of assets and liabilities between the said Town of New Liskeard and the said Township of Dymond in respect of the annexation of the said land in accordance with the provisions of "The Municipal Act".

Payment of the Board's fee on this application pursuant to R.S.O. 1937, C. 60, S. 104 and S. 107 (re-enacted by S.O. 1939, Chapter 47) in the sum of \$25.00 is hereby acknowledged and confirmed.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

An Act respecting the Town of
New Liskeard.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

April 1st, 1946

MR. ROBERTS

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Port Arthur.

MR. ROBINSON

(PRIVATE BILL)

BILL

An Act respecting the City of Port Arthur.

WHEREAS the Corporation of the City of Port Arthur ^{Preamble.} has by its petition represented that the Corporation is desirous of enacting the proposed by-law set out in schedule A hereto authorizing the issue of debentures for \$400,000 for the purpose of constructing a civic auditorium and community centre in the City of Port Arthur; and whereas the said proposed by-law was submitted to and received the assent of the electors of the Corporation qualified to vote on money by-laws, 2,230 having voted in favour and 1,231 having voted against the said by-law; and whereas the Corporation has also represented that the lands described in certain tax deeds, hereinafter mentioned, were intended to cover and include the whole of Lots 2 and 3, North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, but the descriptions thereof in the said tax deeds give rise to some doubt and uncertainty; and whereas the Corporation desires to remove such doubt and uncertainty and to have the said lots vested in the Corporation in fee simple, free of encumbrances; and whereas the Corporation has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Board to the proposed debenture issue therefor, the Corporation of the City of Port Arthur shall have power to construct, ^{Civic auditorium and community centre authorized.} operate and maintain a civic auditorium and community centre in the City of Port Arthur.

(2) The Council of the Corporation of the City of Port Arthur may, with the approval of the Ontario Municipal Board, pass the proposed by-law entitled "A By-law to authorize the issue of debentures for \$400,000.00 for the purpose of constructing a Civic Auditorium and Community Centre in the City of Port Arthur", set out as schedule A hereto, and ^{Debenture by-law authorized.}

notwithstanding the provisions of paragraph 10 thereof the proposed by-law shall come into force and effect when so approved and passed, and thereupon such by-law shall be legal, valid and binding upon the Corporation of the City of Port Arthur and the ratepayers thereof.

Rev. Stat.,
c. 266, s. 310
to apply.

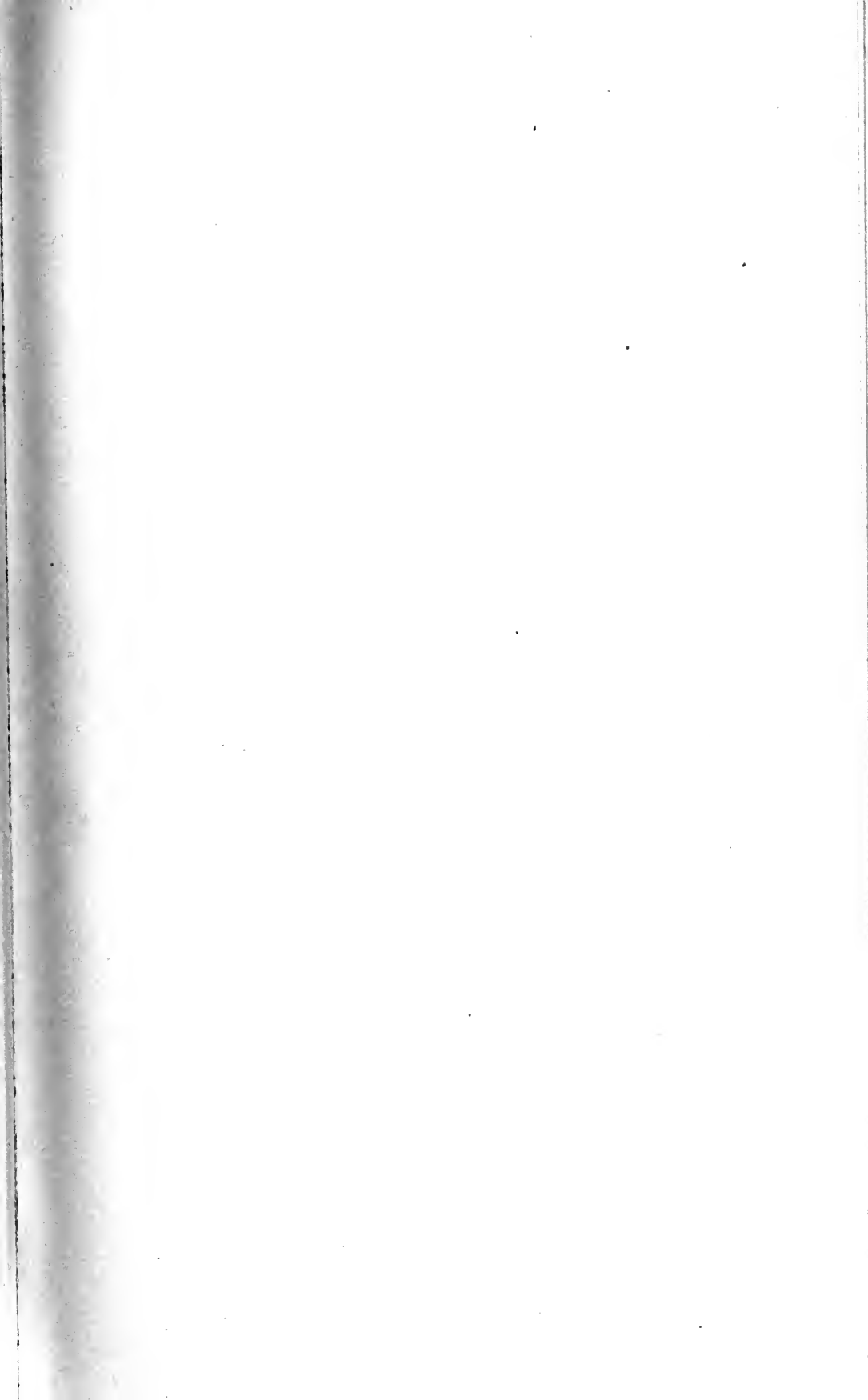
(3) Notwithstanding the provisions of subsection 2, section 310 of *The Municipal Act* shall apply to the by-law mentioned therein and the provisions of the said subsection 2 shall apply to the said by-law as amended.

Tax Deed
No. 2461-B
amended.

2.—(1) Registered tax deed No. 2461-B for Port Arthur B shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein was as follows: "a portion of Lot Two (2), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: namely, commencing at the South-westerly angle of the said lot, being the intersection of the Northerly limit of Cameron Street and the Easterly limit of Cumberland Street, being the point of commencement; thence, Northerly and along the said Easterly limit of Cumberland Street to the North-westerly angle of the said lot; thence, Easterly and along the North limit of the said lot a distance of One Hundred and Thirty-five Feet (135') to a point; thence, Southerly and parallel to the Easterly limit of Cumberland Street to a point in the Southerly limit of the said lot, which is also the Northerly limit of Cameron Street; thence, Westerly and along the said Southerly limit of the said lot a distance of One Hundred and Thirty-five Feet (135'), more or less, to the point of commencement" instead of the description actually set out in the said tax deed.

Tax Deed
No. 4375-B
amended.

(2) Registered tax deed No. 4375-B for Port Arthur B shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein was as follows: "a portion of Lot Two (2) on the North side of Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: being the whole of the said Lot Two (2), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: namely, commencing at the South-westerly angle of the said lot, being the intersection of the Northerly limit of Cameron Street and the Easterly limit of Cumberland Street, being the point of commencement; thence, Northerly and along the said Easterly limit of Cumberland Street to the North-westerly angle of the said lot; thence, Easterly and along the North limit of the said lot a distance of One Hundred and Thirty-five Feet (135') to a point; thence, Southerly and parallel to the Easterly limit of Cumberland



Street to a point in the Southerly limit of the said lot, which is also the Northerly limit of Cameron Street; thence, Westerly and along the said Southerly limit of the said lot a distance of One Hundred and Thirty-five Feet (135'), more or less, to the point of commencement", instead of the description actually set out in the said tax deed.

(3) Registered tax deed No. 3875-B for Port Arthur B ^{Tax Deed} shall be read and construed as if at the time of the execution ^{No. 3875-B} and delivery thereof and at the time of the registration thereof ^{amended.} the description set forth therein was as follows: "the whole of Lot Three (3), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur" instead of the description actually set out in the said tax deed.

(4) Lots 2 and 3, North Water Street, according to the ^{Lots 2 and 3,} Townplot of Prince Arthur's Landing, now Port Arthur, are ^{North} hereby declared to be vested in the Corporation of the City ^{Water St.} of Port Arthur, in fee simple, free of and clear from all right, ^{vested in} title and interest whatsoever of any other person, firm or ^{Corpora-} corporation whomsoever and free and clear of all charges and ^{tion.} encumbrances thereon.

3. This Act shall come into force on the day upon which it ^{Commence-} receives the Royal Assent. ^{ment of Act.}

4. This Act may be cited as *The City of Port Arthur Act*, short title. 1946.

SCHEDULE A

CITY OF PORT ARTHUR

BY-LAW NUMBER....

A By-law to authorize the issue of Debentures for \$400,000.00 for the purpose of constructing a Civic Auditorium and Community Centre in the City of Port Arthur.

WHEREAS the Council of the Corporation of the City of Port Arthur deems it advisable and expedient to construct a Civic Auditorium and Community Centre in the City of Port Arthur in the District of Thunder Bay at a cost not exceeding \$400,000.00.

AND WHEREAS the Council deems it advisable and expedient to submit this By-law to the vote of the electors qualified to vote on money by-laws and, if assented to by the said Electors and validated by the Legislative Assembly of the Province of Ontario, to issue Debentures in the sum of \$400,000.00 to provide the monies required to be raised by The Corporation of the City of Port Arthur for the said purpose, which said sum of \$400,000.00 is the maximum amount of the debt intended to be created by this By-law.

AND WHEREAS it is necessary to borrow the said sum of \$400,000.00 on the credit of The Corporation and to issue Debentures therefor payable within twenty (20) years from the time of the issuing thereof and bearing interest at the rate of three and one-half per cent ($3\frac{1}{2}\%$) per annum.

AND WHEREAS it is desirable to issue the Debentures at one time, and to make the principal of the said debt repayable by yearly sums during the period of twenty (20) years being the currency of the said Debentures, said yearly sums being of such respective amounts that the aggregate amount payable in each year for principal and interest in respect of the said debt shall be as nearly as possible equal to the amount so payable in each of the said twenty (20) years of the said period as shown in Schedule "A" hereto attached; PROVIDED THAT the said Debentures shall be redeemable before the maturity thereof in the manner hereinafter set out.

AND WHEREAS it will be necessary to raise annually the sum of \$28,144.43 during the period of twenty years to pay for the said yearly sums of principal and interest as they become due, which said sums shall be levied and raised by a special rate sufficient therefor over and above all other rates on all the rateable property in the Municipality.

AND WHEREAS the passing of this By-law has been duly approved by The Ontario Municipal Board pursuant to the provisions of Section 70 of The Ontario Municipal Board Act being 1937 Revised Statutes of Ontario, Chapter 60, and Amendments thereto, on the _____ day of _____, A.D. 1946.

AND WHEREAS the amount of the whole rateable property of the City of Port Arthur, according to the last revised Assessment Roll is \$33,998,580.00, of which \$5,194,737.00 is wholly exempt from taxation and \$802,000.00 is exempt except for school taxes and unemployment relief purposes.

AND WHEREAS the amount of the existing Debenture Debt of the Corporation (exclusive of Local Improvement Debts secured by special acts, rates and assessments) is \$1,846,951.03 and no part of the principal or interest is in arrears.

THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT ARTHUR enacts as follows:

1. The Corporation of the City of Port Arthur shall have power to construct a Civic Auditorium and Community Centre in the City of Port Arthur at a cost not exceeding \$400,000.00.

2. For the purpose aforesaid, there shall be borrowed on the credit of the Corporation at large the sum of \$400,000.00 and Debentures shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of three and one-half per cent ($3\frac{1}{2}\%$) per annum and the said Debentures shall have coupons attached thereto for payment of the interest semi-annually.

3. The said Debentures shall all bear the same date and shall be issued within two years after the date on which this By-law shall come into force and effect, and may bear any date within such two (2) years and shall be payable within twenty (20) years and the respective amounts of principal and interest payable in each of such years shall be as set forth in Schedule "A" hereto attached.

4. The Debentures issued under this By-law shall be redeemable in whole or in part at the option of the Corporation at the Port Arthur (Ontario) Branch of the Bank of Montreal on any date prior to maturity at the redemption price of One Hundred per centum (100%) of their face value together with accrued interest to the date set for redemption; provided that if part only of the Debentures is to be redeemed the Debentures to be redeemed shall be redeemed in the reverse order of maturity so that no Debentures shall be called for such redemption in priority to any Debenture that has a later maturity date, and provided further that if part only of the Debentures of any maturity is to be redeemed the Debentures to be redeemed shall be selected by lot by the Treasurer of the City in such manner as he shall consider equitable. From and after the date set for redemption interest on the Debentures called for redemption shall cease to accrue and such debentures shall become due and payable on such date. Notice of intention to redeem any of the said Debentures shall be forwarded by the Corporation by registered mail to each person in whose name any Debenture is registered at the address of such person shown in the Debenture Registry Book of the Corporation, and shall also be advertised by the Corporation in a newspaper published or circulated in the City of Port Arthur (Ontario) and in a daily newspaper published in the City of Toronto (Ontario), and in the *Ontario Gazette*, such Notice to be forwarded and such advertisement to appear in each newspaper and in the *Ontario Gazette* at least thirty (30) days prior to the date fixed for redemption, and such Notices and such advertisements shall specify the date set for such redemption, the Debentures to be redeemed, the place of redemption and the redemption price thereof, and shall state that from and after the date set for such redemption the interest on the Debentures shall become due and be payable on such date. Each and every debenture when redeemed as aforesaid shall be canceled forthwith.

5. The Debentures as to both principal and interest shall be expressed in Canadian currency and may be payable at any place or places in Canada.

6. The interest on the said Debentures shall be payable semi-annually in each year during the said twenty (20) years on such dates as the Council shall hereafter determine and the said interest shall be payable at the Head Office of the Bank of Montreal in the Cities of Port Arthur, Montreal, Toronto, Winnipeg, and Vancouver.

7. Each of the Debentures shall be signed by the Mayor of the City or by some other person authorized by By-law to sign the same and by the Treasurer of the said City, and the Clerk shall attach thereto the Corporate Seal of the Corporation. The interest coupons shall be signed by the Treasurer of the Corporation, and his signature thereto may be written, stamped, lithographed or engraved.

8. During twenty (20) years, the currency of the said Debentures, there shall be levied and raised annually in respect thereof the sum of \$28,144.43 by special rates sufficient therefor over and above all other rates on all the rateable property in the City of Port Arthur at the same time and in the same manner as other rates.

An Act respecting the City of
Port Arthur.

1st Reading

2nd Reading

3rd Reading

MR. ROBINSON

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Port Arthur.

MR. ROBINSON

(Reprinted as amended by the Committee on Private Bills.)

No. 6

1946

BILL

An Act respecting the City of Port Arthur.

WHEREAS the Corporation of the City of Port Arthur Preamble. has by its petition represented that the lands described in certain tax deeds, hereinafter mentioned, were intended to cover and include the whole of Lots 2 and 3, North Water Street, according to the Town plot of Prince Arthur's Landing, now Port Arthur, but the descriptions thereof in the said tax deeds give rise to some doubt and uncertainty; and whereas the Corporation desires to remove such doubt and uncertainty and to have the said lots vested in the Corporation in fee simple, free of encumbrances; and whereas the Corporation has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Registered tax deed No. 2461-B for Port Arthur B Tax Deed
No. 2461-B
amended. shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein was as follows: "a portion of Lot Two (2), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: namely, commencing at the South-westerly angle of the said lot, being the intersection of the Northerly limit of Cameron Street and the Easterly limit of Cumberland Street, being the point of commencement; thence, Northerly and along the said Easterly limit of Cumberland Street to the North-westerly angle of the said lot; thence, Easterly and along the North limit of the said lot a distance of One Hundred and Thirty-five Feet (135') to a point; thence, Southerly and parallel to the Easterly limit of Cumberland Street to a point in the Southerly limit of the said lot, which is also the Northerly limit of Cameron Street; thence, Westerly and along the said Southerly limit of the said lot a distance of One Hundred and Thirty-five Feet (135'), more or less, to the point of commencement" instead of the description actually set out in the said tax deed.

Tax Deed
No. 4375-B
amended.

(2) Registered tax deed No. 4375-B for Port Arthur B shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein was as follows: "a portion of Lot Two (2) North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: being the whole of the said Lot Two (2), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, save and except that portion thereof more particularly described as follows: namely, commencing at the Southwesterly angle of the said lot, being the intersection of the Northerly limit of Cameron Street and the Easterly limit of Cumberland Street, being the point of commencement; thence, Northerly and along the said Easterly limit of Cumberland Street to the Northwesterly angle of the said lot; thence, Easterly and along the North limit of the said lot a distance of One Hundred and Thirty-five Feet (135') to a point; thence, Southerly and parallel to the Easterly limit of Cumberland Street to a point in the Southerly limit of the said lot, which is also the Northerly limit of Cameron Street; thence, Westerly and along the said Southerly limit of the said lot a distance of One Hundred and Thirty-five Feet (135'), more or less, to the point of commencement", instead of the description actually set out in the said tax deed.

Tax Deed
No. 3875-B
amended.

(3) Registered tax deed No. 3875-B for Port Arthur B shall be read and construed as if at the time of the execution and delivery thereof and at the time of the registration thereof the description set forth therein was as follows: "the whole of Lot Three (3), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur" instead of the description actually set out in the said tax deed.

Lots 2 and 3,
North
Water St.
vested in
Corpora-
tion.

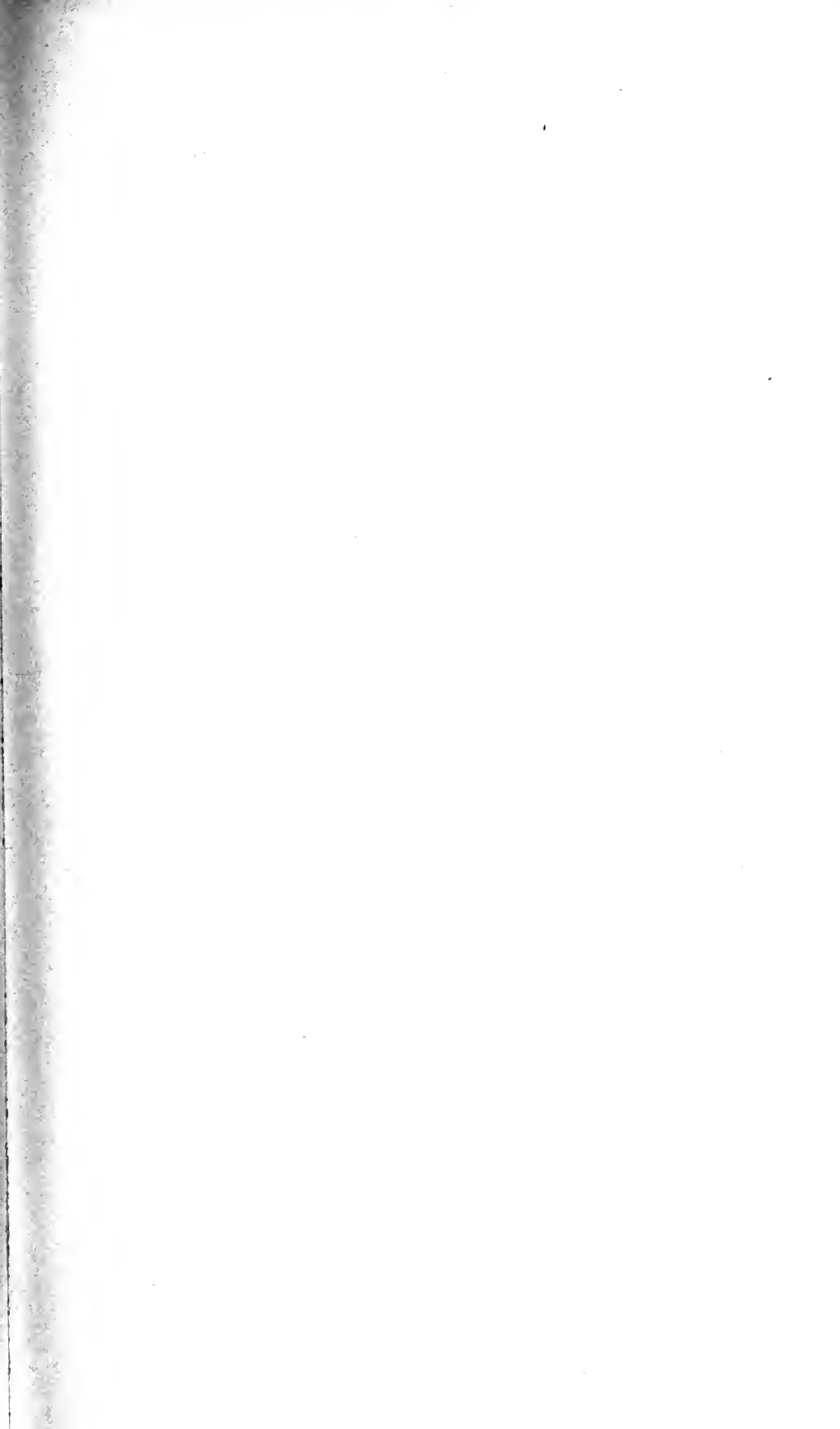
(4) Lots 2 and 3, North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, are hereby declared to be vested in the Corporation of the City of Port Arthur, in fee simple, free of and clear from all right, title and interest whatsoever of any other person, firm or corporation whomsoever and free and clear of all charges and encumbrances thereon.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Port Arthur Act, 1946*.



An Act respecting the City of
Port Arthur.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. ROBINSON

(*Reprinted as amended by the Committee on
Private Bills.*)

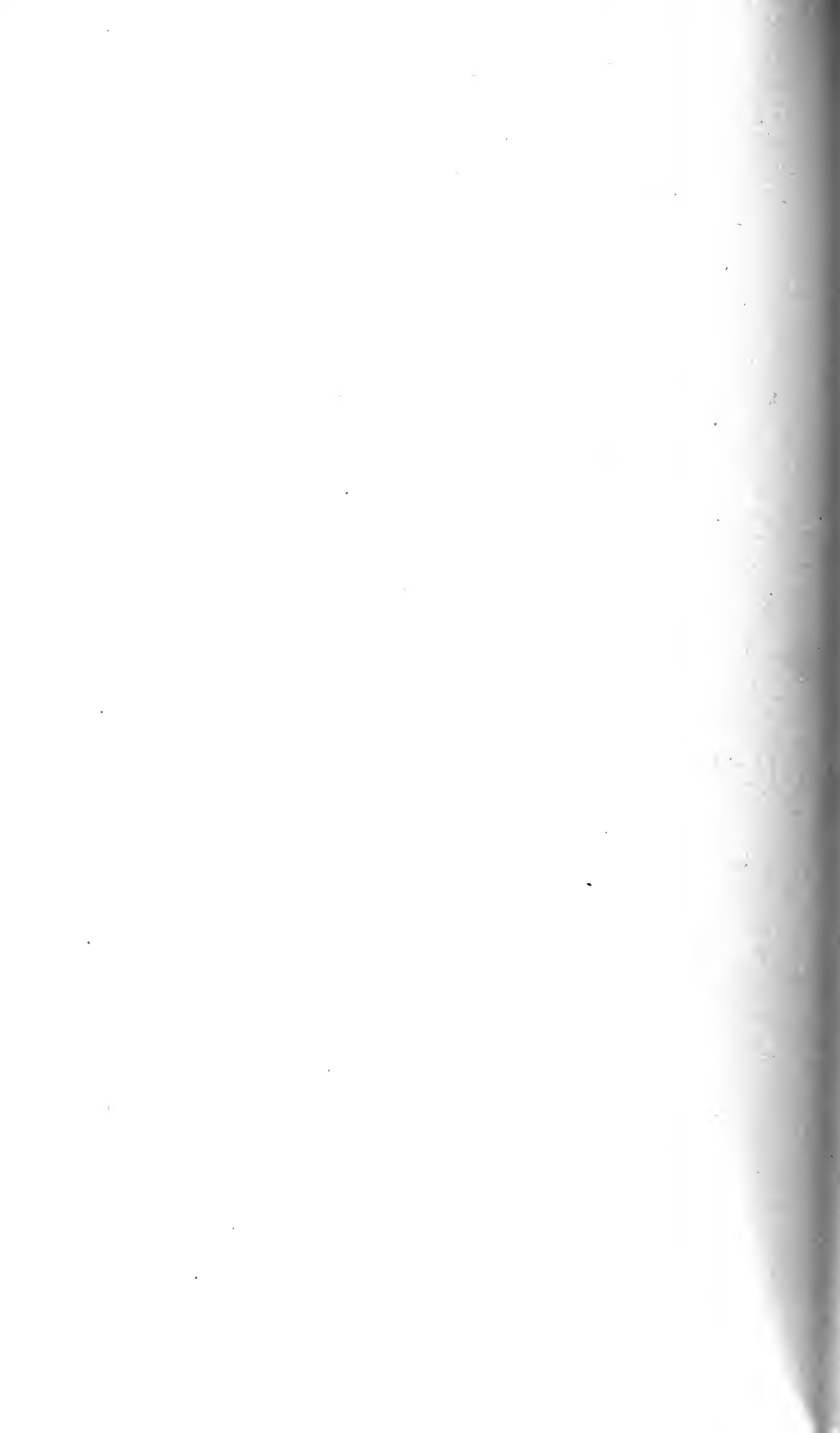
No. 6

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Port Arthur.

MR. ROBINSON



No. 6

1946

BILL

An Act respecting the City of Port Arthur.

WHEREAS the Corporation of the City of Port Arthur Preamble. has by its petition represented that the lands described in certain tax deeds, hereinafter mentioned, were intended to cover and include the whole of Lots 2 and 3, North Water Street, according to the Town plot of Prince Arthur's Landing, now Port Arthur, but the descriptions thereof in the said tax deeds give rise to some doubt and uncertainty; and whereas the Corporation desires to remove such doubt and uncertainty and to have the said lots vested in the Corporation in fee simple, free of encumbrances; and whereas the Corporation has prayed for special legislation in respect of such matters; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Registered tax deed No. 2461-B for Port Arthur B Tax Deed No. 2461-B amended. shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein was as follows: "a portion of Lot Two (2), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: namely, commencing at the South-westerly angle of the said lot, being the intersection of the Northerly limit of Cameron Street and the Easterly limit of Cumberland Street, being the point of commencement; thence, Northerly and along the said Easterly limit of Cumberland Street to the North-westerly angle of the said lot; thence, Easterly and along the North limit of the said lot a distance of One Hundred and Thirty-five Feet (135') to a point; thence, Southerly and parallel to the Easterly limit of Cumberland Street to a point in the Southerly limit of the said lot, which is also the Northerly limit of Cameron Street; thence, Westerly and along the said Southerly limit of the said lot a distance of One Hundred and Thirty-five Feet (135'), more or less, to the point of commencement" instead of the description actually set out in the said tax deed.

Tax Deed
No. 4375-B
amended.

(2) Registered tax deed No. 4375-B for Port Arthur B shall be construed and read as if at the time of the execution and delivery thereof and at the time of registration thereof the description therein was as follows: "a portion of Lot Two (2) North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, more particularly described as follows: being the whole of the said Lot Two (2), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, save and except that portion thereof more particularly described as follows: namely, commencing at the Southwesterly angle of the said lot, being the intersection of the Northerly limit of Cameron Street and the Easterly limit of Cumberland Street, being the point of commencement; thence, Northerly and along the said Easterly limit of Cumberland Street to the Northwesterly angle of the said lot; thence, Easterly and along the North limit of the said lot a distance of One Hundred and Thirty-five Feet (135') to a point; thence, Southerly and parallel to the Easterly limit of Cumberland Street to a point in the Southerly limit of the said lot, which is also the Northerly limit of Cameron Street; thence, Westerly and along the said Southerly limit of the said lot a distance of One Hundred and Thirty-five Feet (135'), more or less, to the point of commencement", instead of the description actually set out in the said tax deed.

Tax Deed
No. 3875-B
amended.

(3) Registered tax deed No. 3875-B for Port Arthur B shall be read and construed as if at the time of the execution and delivery thereof and at the time of the registration thereof the description set forth therein was as follows: "the whole of Lot Three (3), North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur" instead of the description actually set out in the said tax deed.

Lots 2 and 3,
North
Water St.
vested in
Corpora-
tion.

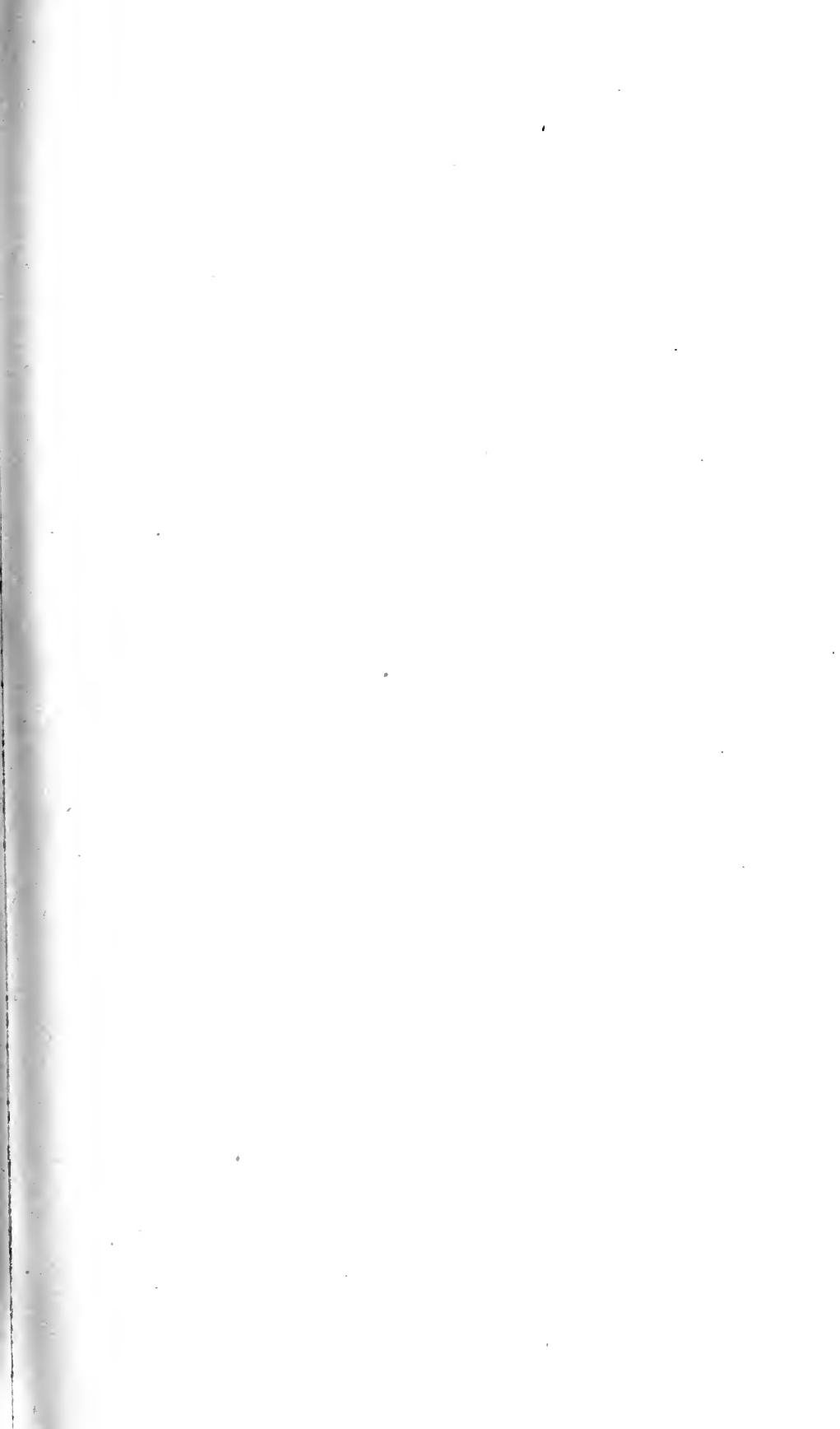
(4) Lots 2 and 3, North Water Street, according to the Townplot of Prince Arthur's Landing, now Port Arthur, are hereby declared to be vested in the Corporation of the City of Port Arthur, in fee simple, free of and clear from all right, title and interest whatsoever of any other person, firm or corporation whomsoever and free and clear of all charges and encumbrances thereon.

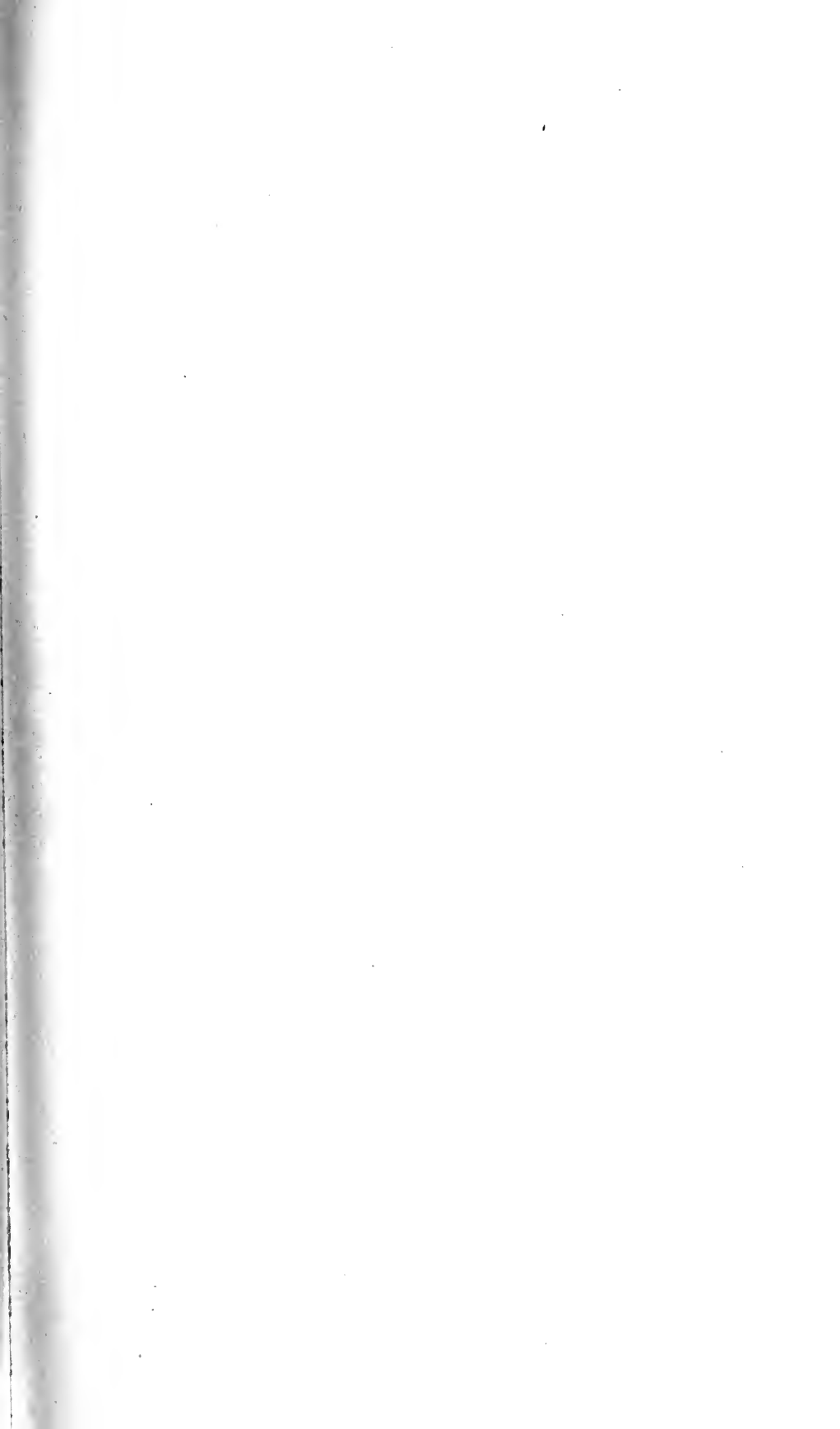
Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Port Arthur Act, 1946*.





An Act respecting the City of
Port Arthur.

1st Reading

March 19th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. ROBINSON

No. 7

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Merritton.

MR. LEWIS

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1946

BILL

An Act respecting the Town of Merritton.

WHEREAS the Corporation of the Town of Merritton Preamble.
has by its petition prayed for special legislation to
confirm certain orders of the Ontario Municipal Board
annexing parts of the Township of Grantham to the Town of
Merritton; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order No. P.F. B-3715 of the Ontario Municipal Board Municipal
Board
Order No.
P.F. B-3715
confirmed.
dated the 10th day of October, 1945, set out as schedule A
hereto, is hereby confirmed.

2. Order No. P.F. B-3993 of the Ontario Municipal Board Municipal
Board
Order No.
P.F. B-3993
confirmed.
dated the 1st day of November, 1945, set out as schedule B
hereto, is hereby confirmed.

3. The said orders shall have effect on and from the 1st Effective
date.
day of January, 1946.

4. The lands annexed to the Town of Merritton, when Assessment
and
Taxation.
added to the assessment rolls of the Town of Merritton for
the year 1945 pursuant to the said orders, shall be assessed and
all proceedings shall be taken under the provisions of *The* Rev. Stat.,
c. 272.
Assessment Act as if the lands had been entered upon the said
rolls under the said Act, and when the assessments thereof
have been revised and confirmed the said lands shall be liable
to taxation in the year 1946 at the same rate as other lands
in the Town of Merritton.

5. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

6. This Act may be cited as *The Town of Merritton Act*, Short title.
1946.

SCHEDULE A

P.F. B-3715

THE ONTARIO MUNICIPAL BOARD

Wednesday, the Tenth day of October, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,D. S. CHARLTON, Esq.,
Vice-Chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER OF Section 23
of "The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, andIN THE MATTER OF the Application
by The Corporation of the Town
of Merritton for annexation to
the Town of Merritton of part of
the Township of Grantham.

UPON the application of the Corporation of the Town of Merritton and upon reading its By-law No. 647, passed on the 17th day of August, 1945, authorizing an application to this Board for an order annexing part of the Township of Grantham to the town of Merritton, and upon hearing what was alleged by M. A. Seymour, K.C., counsel for the said Corporation of the Town of Merritton, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Board's Chambers in the Parliament Buildings in the City of Toronto on the 10th day of October, 1945,

THIS BOARD DOTH ORDER AND PROCLAIM that that part of the Township of Grantham, in the County of Lincoln, being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of part of Lots 13, 14 and 15 in Concession 8 and part of Lot 13 in Concession 9 in the said Township and which may be more particularly described as follows:—Commencing at the north-west angle of Lot 14 in the 8th Concession of the Township of Grantham; thence north-easterly in the southerly boundary of the road allowance between Concessions 7 and 8 to the westerly boundary of the Town of Merritton; thence south-easterly in the westerly boundary of the Town of Merritton to the northerly boundary of the lands of the Canadian National Railway; thence north-westerly in the said last mentioned boundary to its intersection with the easterly boundary of the road allowance between Lots 14 and 15; thence northerly in the said last mentioned boundary to the place of beginning. CONTAINING by admeasurement 90 acres more or less. SAVE AND EXCEPT THEREFROM that part of the road allowance between Concessions 8 and 9 lying within the bounds of the above described property, be and the same is hereby annexed to the Town of Merritton subject to the following terms and conditions, namely:—

1. That the said part of the Township of Grantham to be annexed to the Town of Merritton, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this order, shall be added to the assessment rolls of the Town of Merritton for the year 1945 upon which taxes will be levied in the year 1946.

2. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

3. That the Corporation of the Town of Merritton shall have the right to collect all the said taxes owing to the Corporation of the Township

of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Merritton but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Merritton to the Corporation of the Township of Grantham within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands including all roads and streets and allowances therefor, shall vest, from and after the said date, in the Corporation of the Town of Merritton.

5. That the Corporations of the Town of Merritton and the Township of Grantham shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act*, shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order shall take effect on and from the 1st day of January, 1946.

(Seal)

(Signed) R. S. COLTER,
Chairman.

SCHEDULE B

P.F. B-3993

THE ONTARIO MUNICIPAL BOARD

Thursday, the First day of November, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,

D. S. CHARLTON, Esq.,
Vice-Chairman, and

W. P. NEAR, Esq., B.A.Sc.,
Commissioner.

IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, and

IN THE MATTER OF the Application
by the Corporation of the Town
of Merritton for annexation to
the Town of Merritton of part of
the Township of Grantham.

UPON THE APPLICATION of the Corporation of the Town of Merritton and upon reading its By-law No. 649, passed on the 27th day of August, 1945, authorizing an application to this Board for an order annexing part of the Township of Grantham to the Town of Merritton and upon hearing what was alleged by M. A. Seymour, K.C., counsel for the Corporation of the Town of Merritton, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Board's Chambers in the Parliament Buildings in the City of Toronto on the 10th day of October, 1945 and the said hearing having been adjourned until the 24th day of October, 1945 and having been further adjourned until the 1st day of November, 1945,

THIS BOARD DOETH ORDER AND PROCLAIM that that part of the Township of Grantham, in the County of Lincoln, being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of part of Lots 10 and 11 in Concession 9 and part of the road allowance between Concessions 8 and 9 in the said Township, and which may be more particularly described as follows:—Commencing at the north-east angle of College Street in the Town of Merritton; thence south 0 degrees and 18 minutes west in the easterly end of College Street, and the easterly boundary of Lot 161 of the said Town, 606.8 feet to the south-east angle of said Lot 161; thence south 89 degrees and 42 minutes west in the southerly boundary of the said Lot and its production, 454.2 feet more or less to the easterly boundary of the Town of Merritton; thence southerly and easterly in the said easterly boundary more or less to the northerly boundary of the lands of the Canadian National Railway which forms the northerly boundary of the Town of Merritton; thence south 77 degrees and 53 minutes east in the said northerly boundary more or less to a point distant easterly 130 feet from the easterly boundary of Ker Street produced northerly measured at right angles to the said easterly boundary of Ker Street; thence north 1 degree and 18 minutes west parallel to the northerly production of the easterly boundary of Ker Street and at a distance of 130 feet therefrom more or less to a point in the northerly boundary of the road allowance between Concessions 8 and 9; thence westerly in the said last mentioned boundary to a point in the westerly boundary of the lands of the Niagara, St. Catharines and Toronto Railway which said westerly boundary forms the easterly boundary of the Town of Merritton; thence south 25 degrees and 32 minutes east in the said last mentioned boundary more or less to a point in the westerly production of the northerly boundary of College Street in the Town of Merritton; thence north 89 degrees and 42 minutes east in the said production and the said northerly boundary more or less to the place of beginning, be and the same is hereby annexed to the Town of Merritton subject to the following terms and conditions, namely:

1. That the said part of the Township of Grantham to be annexed to the Town of Merritton, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order, shall be added to the assessment rolls of the Town of Merritton for the year 1945 upon which taxes will be levied in the year 1946.

2. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

3. That the Corporation of the Town of Merritton shall have the right to collect all the said taxes owing to the Corporation of the Township of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Merritton but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Merritton to the Corporation of the Township of Grantham within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands, including all roads and streets and allowances therefor, shall vest, from and after the said date in the Corporation of the Town of Merritton.

5. That the Corporations of the Town of Merritton and the Township of Grantham shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act*, shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order shall take effect on and from the 1st day of January, 1946.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

1st Reading

2nd Reading

3rd Reading

MR. LEWIS

(Private Bill)

No. 7

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Merritton.

MR. LEWIS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 7

1946

BILL

An Act respecting the Town of Merritton.

WHEREAS the Corporation of the Town of Merritton Preamble.
has by its petition prayed for special legislation to
confirm certain orders of the Ontario Municipal Board
annexing parts of the Township of Grantham to the Town of
Merritton; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order No. P.F. B-3715 of the Ontario Municipal Board Municipal
Board
Order No.
P.F. B-3715
confirmed.
dated the 10th day of October, 1945, set out as schedule A
hereto, is hereby confirmed.

2. Order No. P.F. B-3993 of the Ontario Municipal Board Municipal
Board
Order No.
P.F. B-3993
confirmed.
dated the 1st day of November, 1945, set out as schedule B
hereto, is hereby confirmed.

3. The said orders shall have effect on and from the 1st Effective
date.
day of January, 1946.

4. The lands annexed to the Town of Merritton, when Assessment
and
Taxation.
added to the assessment rolls of the Town of Merritton for
the year 1945 pursuant to the said orders, shall be assessed and
all proceedings shall be taken under the provisions of *The* Rev. Stat.,
c. 272.
Assessment Act as if the lands had been entered upon the said
rolls under the said Act, and when the assessments thereof
have been revised and confirmed the said lands shall be liable
to taxation in the year 1946 at the same rate as other lands
in the Town of Merritton.

5. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

6. This Act may be cited as *The Town of Merritton Act*, Short title.
1946.

SCHEDULE A

P.F. B-3715

THE ONTARIO MUNICIPAL BOARD

Wednesday, the Tenth day of October, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,D. S. CHARLTON, Esq.,
Vice-Chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER OF Section 23
of "The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, andIN THE MATTER OF the Application
by The Corporation of the Town
of Merritton for annexation to
the Town of Merritton of part of
the Township of Grantham.

UPON the application of the Corporation of the Town of Merritton and upon reading its By-law No. 647, passed on the 17th day of August, 1945, authorizing an application to this Board for an order annexing part of the Township of Grantham to the town of Merritton, and upon hearing what was alleged by M. A. Seymour, K.C., counsel for the said Corporation of the Town of Merritton, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Board's Chambers in the Parliament Buildings in the City of Toronto on the 10th day of October, 1945,

THIS BOARD DOETH ORDER AND PROCLAIM that that part of the Township of Grantham, in the County of Lincoln, being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of part of Lots 13, 14 and 15 in Concession 8 and part of Lot 13 in Concession 9 in the said Township and which may be more particularly described as follows:—Commencing at the north-west angle of Lot 14 in the 8th Concession of the Township of Grantham; thence north-easterly in the southerly boundary of the road allowance between Concessions 7 and 8 to the westerly boundary of the Town of Merritton; thence south-easterly in the westerly boundary of the Town of Merritton to the northerly boundary of the lands of the Canadian National Railway; thence north-westerly in the said last mentioned boundary to its intersection with the easterly boundary of the road allowance between Lots 14 and 15; thence northerly in the said last mentioned boundary to the place of beginning. CONTAINING by admeasure-ment 90 acres more or less. SAVE AND EXCEPT THEREFROM that part of the road allowance between Concessions 8 and 9 lying within the bounds of the above described property; be and the same is hereby annexed to the Town of Merritton subject to the following terms and conditions, namely:—

1. That the said part of the Township of Grantham to be annexed to the Town of Merritton, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this order, shall be added to the assessment rolls of the Town of Merritton for the year 1945 upon which taxes will be levied in the year 1946.

2. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

3. That the Corporation of the Town of Merritton shall have the right to collect all the said taxes owing to the Corporation of the Township

of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Merritton but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Merritton to the Corporation of the Township of Grantham within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands including all roads and streets and allowances therefor, shall vest, from and after the said date, in the Corporation of the Town of Merritton.

5. That the Corporations of the Town of Merritton and the Township of Grantham shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act*, shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order shall take effect on and from the 1st day of January, 1946.

(Seal)

(Signed) R. S. COLTER,
Chairman.

SCHEDULE B

P.F. B-3993

THE ONTARIO MUNICIPAL BOARD

Thursday, the First day of November, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,D. S. CHARLTON, Esq.,
Vice-Chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, andIN THE MATTER OF the Application
by the Corporation of the Town
of Merrittton for annexation to
the Town of Merrittton of part of
the Township of Grantham.

UPON THE APPLICATION of the Corporation of the Town of Merrittton and upon reading its By-law No. 649, passed on the 27th day of August, 1945, authorizing an application to this Board for an order annexing part of the Township of Grantham to the Town of Merrittton and upon hearing what was alleged by M. A. Seymour, K.C., counsel for the Corporation of the Town of Merrittton, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Board's Chambers in the Parliament Buildings in the City of Toronto on the 10th day of October, 1945 and the said hearing having been adjourned until the 24th day of October, 1945 and having been further adjourned until the 1st day of November, 1945,

THIS BOARD DOETH ORDER AND PROCLAIM that that part of the Township of Grantham, in the County of Lincoln, being ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, and being composed of part of Lots 10 and 11 in Concession 9 and part of the road allowance between Concessions 8 and 9 in the said Township, and which may be more particularly described as follows:—Commencing at the north-east angle of College Street in the Town of Merrittton; thence south 0 degrees and 18 minutes west in the easterly end of College Street, and the easterly boundary of Lot 161 of the said Town, 606.8 feet to the south-east angle of said Lot 161; thence south 89 degrees and 42 minutes west in the southerly boundary of the said Lot and its production, 454.2 feet more or less to the easterly boundary of the Town of Merrittton; thence southerly and easterly in the said easterly boundary more or less to the northerly boundary of the lands of the Canadian National Railway which forms the northerly boundary of the Town of Merrittton; thence south 77 degrees and 53 minutes east in the said northerly boundary more or less to a point distant easterly 130 feet from the easterly boundary of Ker Street produced northerly measured at right angles to the said easterly boundary of Ker Street; thence north 1 degree and 18 minutes west parallel to the northerly production of the easterly boundary of Ker Street and at a distance of 130 feet therefrom more or less to a point in the northerly boundary of the road allowance between Concessions 8 and 9; thence westerly in the said last mentioned boundary to a point in the westerly boundary of the lands of the Niagara, St. Catharines and Toronto Railway which said westerly boundary forms the easterly boundary of the Town of Merrittton; thence south 25 degrees and 32 minutes east in the said last mentioned boundary more or less to a point in the westerly production of the northerly boundary of College Street in the Town of Merrittton; thence north 89 degrees and 42 minutes east in the said production and the said northerly boundary more or less to the place of beginning, be and the same is hereby annexed to the Town of Merrittton subject to the following terms and conditions, namely:

1. That the said part of the Township of Grantham to be annexed to the Town of Merritton, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this Order, shall be added to the assessment rolls of the Town of Merritton for the year 1945 upon which taxes will be levied in the year 1946.

2. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

3. That the Corporation of the Town of Merritton shall have the right to collect all the said taxes owing to the Corporation of the Township of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the Town of Merritton but the proceeds of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the Town of Merritton to the Corporation of the Township of Grantham within six months from the date of collection.

4. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands, including all roads and streets and allowances therefor, shall vest, from and after the said date in the Corporation of the Town of Merritton.

5. That the Corporations of the Town of Merritton and the Township of Grantham shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act*, shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to this Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order shall take effect on and from the 1st day of January, 1946.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

1st Reading

March 13th, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. LEWIS

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of St. Catharines.

MR. LEWIS

(PRIVATE BILL)

No. 8

1946

BILL

An Act respecting the City of St. Catharines.

WHEREAS the Corporation of the City of St. Catharines Preamble.
has by its petition prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
parts of the Township of Grantham to the City of St. Cathar-
ines and to validate and confirm certain by-laws; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order No. P.F. B-3715 of the Ontario Municipal Board Municipal Board
dated the 10th day of October, 1945, set out as schedule A Order No.
hereto, is hereby confirmed. P.F. B-3715 confirmed.

2. The said order shall have effect on and from the 1st Effective date.
day of January, 1946.

3. The lands annexed to the City of St. Catharines, when Assessment and taxation.
added to the assessment rolls of the City of St. Catharines
for the year 1945 pursuant to the said order, shall be assessed
and all proceedings shall be taken under the provisions of
The Assessment Act as if the lands had been entered upon the Rev. Stat., c. 272.
said rolls under the said Act, and when the assessments
thereof have been revised and confirmed the said lands shall
be liable to taxation in the year 1946 at the same rate as other
lands in the City of St. Catharines.

4. By-law No. 5009 passed by the council of the Corporation By-laws Nos. 5009, 5011 and 5025 validated.
of the City of St. Catharines on the 12th day of November,
1945, set out as schedule B hereto, by-law No. 5011 passed
by the said council on the 26th day of November, 1945, set out
as schedule C hereto, by-law No. 5025 passed by the said
council on the 17th day of December, 1945, set out as schedule
D hereto, and by-law No. 5038 passed by the said council
on the 4th day of February, 1946, set out as schedule E hereto,
being by-laws to authorize the purchase of certain lands and
buildings known as Staff Houses Nos. 1, 2, 3 and 4 and the
Commissary Building situate in the Township of Grantham

from War Assets Corporation Limited, are hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Sinking
fund.

5. The said council may, by by-law, transfer to the general funds of the Corporation the surplus monies remaining in its sinking fund.

Commence-
ment of Act.

6. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

7. This Act may be cited as *The City of St. Catharines Act, 1946*.



SCHEDULE A

P.F. B-3715

THE ONTARIO MUNICIPAL BOARD

Wednesday, the Fifteenth day of August, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,D. S. CHARLTON, Esq.,
Vice-chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, andIN THE MATTER OF the Application
by the Corporation of the City of
St. Catharines for annexation to
the City of St. Catharines of parts
of the Township of Grantham.

UPON THE APPLICATION of the Corporation of the City of St. Catharines and upon reading its By-law No. 4974, passed on the 21st day of May, 1945 and its By-law No. 4980 amending said By-law No. 4974, passed on the 4th day of June, 1945 authorizing an application to this Board for an order annexing parts of the Township of Grantham to the City of St. Catharines, and it appearing that the Corporation of the Town of Merriton desires to annex to the Town of Merriton that part of the Township of Grantham described in said By-law No. 4980 of the City of St. Catharines, and it further appearing, as shown by a resolution of the Council of the Corporation of the City of St. Catharines that the said Council consents to the land described in said By-law No. 4980 being annexed to the Town of Merriton instead of to the City of St. Catharines, and upon hearing what was alleged by M. A. Seymour, K.C. counsel for the Corporation of the City of St. Catharines, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Municipal Building in the City of St. Catharines on the 15th day of August, 1945.

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of Grantham, in the County of Lincoln, described in the Schedule hereto, be and the same are hereby annexed to the City of St. Catharines subject to the following terms and conditions, namely:—

1. That the said parts of the Township of Grantham, to be annexed to the City of St. Catharines, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this order, shall be added to the assessment rolls of the City of St. Catharines for the year 1945 upon which taxes will be levied in the year 1946.

2. That the lands and premises, in the Township of Grantham, assessed to Ethel C. Fox and occupied as the residence by the said Ethel C. Fox and Harold G. Fox shall be assessed, in the City of St. Catharines, up to and including the 31st day of December, 1955, for an amount not exceeding \$15,760.00.

3. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

4. That the Corporation of the City of St. Catharines shall have the right to collect all the said taxes owing to the Corporation of the Township of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the City of St. Catharines but the proceeds

of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the City of St. Catharines to the Corporation of the Township of Grantham within six months from the date of collection.

5. That the said lands shall form part of St. Andrew's Ward of the City of St. Catharines.

6. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands described in the Schedule hereto, including all roads and streets and allowances therefor, shall vest, from and after the said date, in the Corporation of the City of St. Catharines, SAVING AND EXCEPTING the rights of ownership of the said Corporation of the Township of Grantham in Lots Nos. 138, 265 to 271, both inclusive, 438 to 443 both inclusive, as shown on the Plan of the Glenridge Sub-division, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 98, and part of Lot No. 17 in the Eighth Concession of the said Township more particularly described as follows: Commencing at the point of intersection of the southerly limit of the road allowance between Concessions 7 and 8 and the northerly limit of the right-of-way of the Canadian National Railways; thence easterly in and along the northerly limit of the right-of-way of the Canadian National Railways 360 feet to a point; thence northerly in a straight line to a point in the southerly limit of the said road allowance distant therein easterly 330 feet from the place of beginning; thence westerly in the southerly limit of the said road allowance 330 feet to the place of beginning.

7. That the Corporations of the City of St. Catharines, the Township of Grantham and the County of Lincoln shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order take effect on and from the 1st day of January 1946.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

Schedule.

1. That part of the Municipality of the Township of Grantham lying westerly of the Merrittville Stone Road (sometimes known as Glen Ridge Avenue) northerly of the right-of-way of the main line of the Canadian National Railway, and southerly of the southerly limit of the Municipality of the City of St. Catharines.

2. That part of the Municipality of the Township of Grantham shown on the Glenridge Subdivision Plan, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 98 for the Township of Grantham.

3. That part of the Municipality of the Township of Grantham, as described as Instruments registered in the said Registry Office as Numbers 14268 and 16013, respectively, for the Township of Grantham, and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham and County of Lincoln and Province of Ontario, being a part of Lots 15 and 16 in the Eighth Concession of the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a point in the northerly boundary of the Grand Trunk Railway right-of-way at the south-east angle of Lot 443 as shown on the Glenridge Plan and registered as Plan No. 98 for the said Township; thence south 75 degrees and 56 minutes east in the northerly boundary of the Grand Trunk Railway right-of-way, 720 and 6 tenths feet to a stake; thence north 67 degrees and 4 minutes east, 1583 and 8 tenths feet to the easterly boundary of Lot 15; thence north 40 minutes east in said last mentioned boundary, 1529 and 7 tenths feet to the northerly boundary of Concession 8; thence south 65 degrees and 55 minutes west in said last mentioned boundary, 1214 feet to the easterly boundary of Cliff Road as shown on the Glenridge Plan; thence in and along the easterly boundary of said road as shown on said plan to the easterly boundary of Lot 443 on said plan; thence south 14 degrees and 4 minutes west in the easterly boundary of Lot 443, 128 and 43 hundredths feet more or less to the point of commencement; TOGETHER WITH all the estate, right, title, interest, claim and demand whatsoever both at law and in equity or otherwise howsoever and whether in possession or expectancy of them the Grantors in to or out of that certain parcel or land situate, lying and being in the said Township of Grantham and being that part of the original allowance for road between the 7th and 8th Concessions of the said Township which is in Lots 15 and 16 of the said two Concessions extending from the east limit of Cliff Road as shown on the plan of Glenridge registered as No. 98 for the Township of Grantham to the west limit of Vine Street.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, containing by admeasurement 16 and 1 tenth acres, more or less, being a Part of Lots 15 and 16 in the Eighth Concession of the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a point in the westerly boundary of the Road Allowance between Lots 14 and 15, distant therein northerly, 1077 and 9 tenths feet from the south-east corner of said Lot 15; thence North in the westerly boundary of said Road Allowance 833 and 3 tenths feet; thence south 66 degrees and 26 minutes west, 1591 feet to the northerly boundary of the lands of the Canadian National Railway; thence south 76 degrees and 37 minutes east in said last mentioned boundary, 1319 and 2 tenths feet; thence north 58 degrees and 9 minutes east, 203 feet, more or less to the place of beginning.

(Signed) R. S. COLTER.

SCHEDULE B

CITY OF ST. CATHARINES

BY-LAW No. 5009

A By-law to authorize the purchase of Staff House No. 2, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS there is a shortage of housing accommodation in the City of St. Catharines, and the Council of the Corporation of the City of St. Catharines has given consideration to the desirability and the necessity of providing housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as Staff House No. 2, a building erected by Wartime Housing Limited in the Township of Grantham, and for a lease of the land upon which the said building is erected.

AND WHEREAS the said Council proposes to convert the said building into separate housing accommodation for the purpose of providing housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the building known as Staff House No. 2, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited for the sum of \$4,020.00 be and the same is hereby approved and authorized.

2. That the entering into a lease with War Assets Corporation Limited and/or Wartime Housing Limited of the land, upon which the said building is erected, in such terms as may be approved by resolution of the Finance Committee of the said Council, is hereby approved and authorized.

3. That authority be and it is hereby given to expend monies not exceeding \$8,000.00 in altering, modifying and equipping the said building so as to provide therein separate housing accommodations.

4. That the said monies shall be provided out of the general funds of the Corporation.

5. That authority be and it is hereby given to the said Committee to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada was engaged from the 10th day of September 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on active service in such war, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee, of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents necessary to implement the intent of this by-law and the Clerk is hereby authorized to affix the Corporate seal thereto and deliver the same.

PASSED this 12th day of November, A.D. 1945.

(Signed) HERBERT H. SMITH,
Clerk.

(Signed) W. J. MACDONALD,
Mayor.

SCHEDULE C
CITY OF ST. CATHARINES
BY-LAW No. 5011

A By-law to authorize the purchase of Staff House No. 3, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-law No. 5009, the Council of the Corporation of the City of St. Catharines authorized the purchase of Staff House No. 2 for the purpose of providing housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as Staff House No. 3, a building erected by Wartime Housing Limited in the Township of Grantham, and for a lease of the land upon which the said building is erected.

AND WHEREAS the said Council proposes to convert the said building into separate housing accommodation for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That the purchase of the building known as Staff House No. 3, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited for the sum of \$4,020.00 be and the same is hereby approved and authorized.

2. That the entering into a lease with War Assets Corporation Limited and/or Wartime Housing Limited of the land, upon which the said building is erected, in such terms as may be approved by resolution of the Finance Committee of the said Council, is hereby approved and authorized.

3. That authority be and it is hereby given to expend monies not exceeding \$8,000.00 in altering, modifying and equipping the said building so as to provide therein separate housing accommodations.

4. That the said monies shall be provided out of the general funds of the Corporation.

5. That authority be and it is hereby given to the said Committee to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada was engaged from the 10th day of September 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on active service in such war, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee, of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

6. That the Mayor and Clerk be and each of them'is hereby authorized to execute any and all documents necessary to implement the intent of this by-law and the Clerk is hereby authorized to affix the Corporate seal thereto and deliver the same.

PASSED this 26th day of November, A.D. 1945.

(Signed) HERBERT H. SMITH,
Clerk. Seal

(Signed) W. J. MACDONALD,
Mayor.

SCHEDULE D
CITY OF ST. CATHARINES
BY-LAW No. 5025

A By-law to authorize the purchase of Staff Houses Numbers 1 and 4 and certain lands in connection therewith, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-laws Numbers 5009 and 5011 the purchase of the buildings known as Staff Houses Numbers 2 and 3 was authorized.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given further consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the Armed Forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what are known as Staff Houses Numbers 1 and 4, buildings erected by Wartime Housing Limited in the Township of Grantham, and for the purchase of the land upon which the said Staff Houses Numbers 1, 2, 3 and 4 are erected.

AND WHEREAS the said Council proposes to convert the said Staff Houses Numbers 1 and 4 into separate housing accommodations for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the buildings known as Staff Houses Numbers 1 and 4, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited, for the sum of \$5,460.00, be and the same is hereby approved and authorized.

2. That the purchase from War Assets Corporation Limited and/or Wartime Housing Limited of the land upon which are erected Staff Houses Numbers 1, 2, 3 and 4, for the sum of \$7,500.00, be and the same is hereby approved and authorized.

3. That authority be and is hereby given to expend monies, not exceeding \$11,000.00, in altering, modifying and equipping said Staff Houses Numbers 1 and 4 so as to provide therein separate housing accommodations.

4. That authority be and it is hereby given to the Finance Committee of the said Council to manage, operate and maintain the said buildings and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers and airmen of the Armed Forces of Canada returned from general service in the War in which Canada was engaged from the 10th day of September, 1939, or to their dependants or to the dependants of any sailor, soldier or airmen of such forces who is or was on general service outside Canada or who has been killed on Active Service in such War, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

5. That the monies required for the said purposes and the monies required for the purpose of By-laws Numbers 5009 and 5011 shall be provided by an issue of debentures, which said debentures may be consolidated with the issue of any other debentures for similar purposes or

with the issue of debentures as authorized by Paragraph 4 of *The Veterans' Housing Act, 1945*, and the said debentures shall be issued at such price and upon such terms as may be approved by resolution of the said Council.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents, other than debentures, necessary to implement the intent of this by-law, and that the Mayor and Commissioner of Finance be authorized to sign the debentures and the Clerk is hereby authorized to affix the corporate seal thereto.

PASSED this 17th day of December, 1945.

(Signed) HERBERT H. SMITH,
Clerk. (Seal)

(Signed) W. J. MACDONALD,
Mayor.

SCHEDULE E
CITY OF ST. CATHARINES
BY-LAW No. 5038

A By-law to authorize the purchase of the Commissary Building and certain lands in connection therewith, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-laws Nos. 5009, 5011 and 5025 the purchase of the buildings known as Staff Houses Nos. 1, 2, 3 and 4 and the land in connection therewith was authorized.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given further consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the Armed Forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as the Commissary Building and for the land upon which the said Building is erected.

AND WHEREAS the said Council proposes to convert the said Commissary Building into separate housing accommodations for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the building known as the Commissary Building, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited, for the sum of \$5,843.00, be and the same is hereby approved and authorized.

2. That the purchase from War Assets Corporation Limited and/or Wartime Housing Limited of the land upon which is erected the Commissary Building, for the sum of \$1,690.00, be and the same is hereby approved and authorized.

3. That authority be and it is hereby given to expend sufficient monies in altering, modifying and equipping the said Commissary Building so as to provide therein separate housing accommodations.

4. That authority be and it is hereby given to the Finance Committee of the said Council to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers and airmen of the Armed Forces of Canada returned from general service in the War in which Canada was engaged from the 10th day of September, 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on Active Service in such War, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

5. That the monies required for the said purposes shall be provided by an issue of debentures, which said debentures may be consolidated with the issue of any other debentures for similar purposes or with the issue of debentures as authorized by Paragraph 4 of *The Veterans' Housing Act, 1945*, and the said debentures shall be issued at such price and upon such terms as may be approved by resolution of the said Council.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents, other than debentures, necessary to implement the intent of this By-law and that the Mayor and Commissioner of Finance be authorized to sign the debentures and the Clerk is hereby authorized to affix the corporate seal to such documents and debentures.

Passed this 4th day of February, 1946.

(Signed) HERBERT H. SMITH,
Clerk.

(Signed) W. J. MACDONALD,
Mayor.

(Seal)

An Act respecting the City of
St. Catharines.

1st Reading

2nd Reading

3rd Reading

MR. LEWIS

(*Private Bill*)

No. 8

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of St. Catharines.

MR. LEWIS

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 8

1946

BILL

An Act respecting the City of St. Catharines.

WHEREAS the Corporation of the City of St. Catharines Preamble.
has by its petition prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
parts of the Township of Grantham to the City of St. Cathar-
ines and to validate and confirm certain by-laws; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order No. P.F. B-3715 of the Ontario Municipal Board Municipal
Board
Order No.
P.F. B-3715
confirmed.
dated the 10th day of October, 1945, set out as schedule A
hereto, is hereby confirmed.

2. The said order shall have effect on and from the 1st Effective
date.
day of January, 1946.

3. The lands annexed to the City of St. Catharines, when Assessment
and
taxation.
added to the assessment rolls of the City of St. Catharines
for the year 1945 pursuant to the said order, shall be assessed
and all proceedings shall be taken under the provisions of
The Assessment Act as if the lands had been entered upon the Rev. Stat.,
c. 272.
said rolls under the said Act, and when the assessments
thereof have been revised and confirmed the said lands shall
be liable to taxation in the year 1946 at the same rate as other
lands in the City of St. Catharines.

4. By-law No. 5009 passed by the council of the Corporation By-laws Nos.
5009, 5011
and 5025
validated.
of the City of St. Catharines on the 12th day of November,
1945, set out as schedule B hereto, by-law No. 5011 passed
by the said council on the 26th day of November, 1945, set out
as schedule C hereto, by-law No. 5025 passed by the said
council on the 17th day of December, 1945, set out as schedule
D hereto, and by-law No. 5038 passed by the said council
on the 4th day of February, 1946, set out as schedule E hereto,
being by-laws to authorize the purchase of certain lands and
buildings known as Staff Houses Nos. 1, 2, 3 and 4 and the
Commissary Building situate in the Township of Grantham

from War Assets Corporation Limited, are hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of St. Catharines Act, 1946*.

SCHEDULE A

P.F. B-3715

THE ONTARIO MUNICIPAL BOARD

Wednesday, the Fifteenth day of August, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,

D. S. CHARLTON, Esq.,
Vice-chairman, and

W. P. NEAR, Esq., B.A.Sc.,
Commissioner.

IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, and

IN THE MATTER OF the Application
by the Corporation of the City of
St. Catharines for annexation to
the City of St. Catharines of parts
of the Township of Grantham.

UPON THE APPLICATION of the Corporation of the City of St. Catharines and upon reading its By-law No. 4974, passed on the 21st day of May, 1945 and its By-law No. 4980 amending said By-law No. 4974, passed on the 4th day of June, 1945 authorizing an application to this Board for an order annexing parts of the Township of Grantham to the City of St. Catharines, and it appearing that the Corporation of the Town of Merritton desires to annex to the Town of Merritton that part of the Township of Grantham described in said By-law No. 4980 of the City of St. Catharines, and it further appearing, as shown by a resolution of the Council of the Corporation of the City of St. Catharines that the said Council consents to the land described in said By-law No. 4980 being annexed to the Town of Merritton instead of to the City of St. Catharines, and upon hearing what was alleged by M. A. Seymour, K.C. counsel for the Corporation of the City of St. Catharines, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Municipal Building in the City of St. Catharines on the 15th day of August, 1945.

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of Grantham, in the County of Lincoln, described in the Schedule hereto, be and the same are hereby annexed to the City of St. Catharines subject to the following terms and conditions, namely:—

1. That the said parts of the Township of Grantham, to be annexed to the City of St. Catharines, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this order, shall be added to the assessment rolls of the City of St. Catharines for the year 1945 upon which taxes will be levied in the year 1946.

2. That the lands and premises, in the Township of Grantham, assessed to Ethel C. Fox and occupied as the residence by the said Ethel C. Fox and Harold G. Fox shall be assessed, in the City of St. Catharines, up to and including the 31st day of December, 1955, for an amount not exceeding \$15,760.00.

3. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

4. That the Corporation of the City of St. Catharines shall have the right to collect all the said taxes owing to the Corporation of the Township of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the City of St. Catharines but the proceeds

of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the City of St. Catharines to the Corporation of the Township of Grantham within six months from the date of collection.

5. That the said lands shall form part of St. Andrew's Ward of the City of St. Catharines.

6. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands described in the Schedule hereto, including all roads and streets and allowances therefor, shall vest, from and after the said date, in the Corporation of the City of St. Catharines, SAVING AND EXCEPTING the rights of ownership of the said Corporation of the Township of Grantham in Lots Nos. 138, 265 to 271, both inclusive, 438 to 443 both inclusive, as shown on the Plan of the Glenridge Sub-division, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 98, and part of Lot No. 17 in the Eighth Concession of the said Township more particularly described as follows: Commencing at the point of intersection of the southerly limit of the road allowance between Concessions 7 and 8 and the northerly limit of the right-of-way of the Canadian National Railways; thence easterly in and along the northerly limit of the right-of-way of the Canadian National Railways 360 feet to a point; thence northerly in a straight line to a point in the southerly limit of the said road allowance distant therein easterly 330 feet from the place of beginning; thence westerly in the southerly limit of the said road allowance 330 feet to the place of beginning.

7. That the Corporations of the City of St. Catharines, the Township of Grantham and the County of Lincoln shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order take effect on and from the 1st day of January 1946.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

Schedule.

1. That part of the Municipality of the Township of Grantham lying westerly of the Merrittville Stone Road (sometimes known as Glen Ridge Avenue) northerly of the right-of-way of the main line of the Canadian National Railway, and southerly of the southerly limit of the Municipality of the City of St. Catharines.

2. That part of the Municipality of the Township of Grantham shown on the Glenridge Subdivision Plan, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 98 for the Township of Grantham.

3. That part of the Municipality of the Township of Grantham, as described as Instruments registered in the said Registry Office as Numbers 14268 and 16013, respectively, for the Township of Grantham, and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham and County of Lincoln and Province of Ontario, being a part of Lots 15 and 16 in the Eighth Concession of the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a point in the northerly boundary of the Grand Trunk Railway right-of-way at the south-east angle of Lot 443 as shown on the Glenridge Plan and registered as Plan No. 98 for the said Township; thence south 75 degrees and 56 minutes east in the northerly boundary of the Grand Trunk Railway right-of-way, 720 and 6 tenths feet to a stake; thence north 67 degrees and 4 minutes east, 1583 and 8 tenths feet to the easterly boundary of Lot 15; thence north 40 minutes east in said last mentioned boundary, 1529 and 7 tenths feet to the northerly boundary of Concession 8; thence south 65 degrees and 55 minutes west in said last mentioned boundary, 1214 feet to the easterly boundary of Cliff Road as shown on the Glenridge Plan; thence in and along the easterly boundary of said road as shown on said plan to the easterly boundary of Lot 443 on said plan; thence south 14 degrees and 4 minutes west in the easterly boundary of Lot 443, 128 and 43 hundredths feet more or less to the point of commencement; TOGETHER WITH all the estate, right, title, interest, claim and demand whatsoever both at law and in equity or otherwise howsoever and whether in possession or expectancy of them the Grantors in to or out of that certain parcel or land situate, lying and being in the said Township of Grantham and being that part of the original allowance for road between the 7th and 8th Concessions of the said Township which is in Lots 15 and 16 of the said two Concessions extending from the east limit of Cliff Road as shown on the plan of Glenridge registered as No. 98 for the Township of Grantham to the west limit of Vine Street.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, containing by admeasurement 16 and 1 tenth acres, more or less, being a Part of Lots 15 and 16 in the Eighth Concession of the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a point in the westerly boundary of the Road Allowance between Lots 14 and 15, distant therein northerly, 1077 and 9 tenths feet from the south-east corner of said Lot 15; thence North in the westerly boundary of said Road Allowance 833 and 3 tenths feet; thence south 66 degrees and 26 minutes west, 1591 feet to the northerly boundary of the lands of the Canadian National Railway; thence south 76 degrees and 37 minutes east in said last mentioned boundary, 1319 and 2 tenths feet; thence north 58 degrees and 9 minutes east, 203 feet, more or less to the place of beginning.

(Signed) R. S. COLTER.

SCHEDULE B

CITY OF ST. CATHARINES

BY-LAW No. 5009

A By-law to authorize the purchase of Staff House No. 2, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS there is a shortage of housing accommodation in the City of St. Catharines, and the Council of the Corporation of the City of St. Catharines has given consideration to the desirability and the necessity of providing housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as Staff House No. 2, a building erected by Wartime Housing Limited in the Township of Grantham, and for a lease of the land upon which the said building is erected.

AND WHEREAS the said Council proposes to convert the said building into separate housing accommodation for the purpose of providing housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the building known as Staff House No. 2, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited for the sum of \$4,020.00 be and the same is hereby approved and authorized.

2. That the entering into a lease with War Assets Corporation Limited and/or Wartime Housing Limited of the land, upon which the said building is erected, in such terms as may be approved by resolution of the Finance Committee of the said Council, is hereby approved and authorized.

3. That authority be and it is hereby given to expend monies not exceeding \$8,000.00 in altering, modifying and equipping the said building so as to provide therein separate housing accommodations.

4. That the said monies shall be provided out of the general funds of the Corporation.

5. That authority be and it is hereby given to the said Committee to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada was engaged from the 10th day of September 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on active service in such war, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee, of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents necessary to implement the intent of this by-law and the Clerk is hereby authorized to affix the Corporate seal thereto and deliver the same.

PASSED this 12th day of November, A.D. 1945.

(Signed) HERBERT H. SMITH,
Clerk.

(Signed) W. J. MACDONALD,
Mayor.

SCHEDULE C

CITY OF ST. CATHARINES

BY-LAW No. 5011

A By-law to authorize the purchase of Staff House No. 3, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-law No. 5009, the Council of the Corporation of the City of St. Catharines authorized the purchase of Staff House No. 2 for the purpose of providing housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as Staff House No. 3, a building erected by Wartime Housing Limited in the Township of Grantham, and for a lease of the land upon which the said building is erected.

AND WHEREAS the said Council proposes to convert the said building into separate housing accommodation for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That the purchase of the building known as Staff House No. 3, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited for the sum of \$4,020.00 be and the same is hereby approved and authorized.

2. That the entering into a lease with War Assets Corporation Limited and/or Wartime Housing Limited of the land, upon which the said building is erected, in such terms as may be approved by resolution of the Finance Committee of the said Council, is hereby approved and authorized.

3. That authority be and it is hereby given to expend monies not exceeding \$8,000.00 in altering, modifying and equipping the said building so as to provide therein separate housing accommodations.

4. That the said monies shall be provided out of the general funds of the Corporation.

5. That authority be and it is hereby given to the said Committee to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada was engaged from the 10th day of September 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on active service in such war, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee, of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents necessary to implement the intent of this by-law and the Clerk is hereby authorized to affix the Corporate seal thereto and deliver the same.

PASSED this 26th day of November, A.D. 1945.

(Signed) HERBERT H. SMITH,	(Signed) W. J. MACDONALD,
<i>Clerk.</i> Seal	<i>Mayor.</i>

SCHEDULE D

CITY OF ST. CATHARINES

BY-LAW No. 5025

A By-law to authorize the purchase of Staff Houses Numbers 1 and 4 and certain lands in connection therewith, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-laws Numbers 5009 and 5011 the purchase of the buildings known as Staff Houses Numbers 2 and 3 was authorized.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given further consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the Armed Forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what are known as Staff Houses Numbers 1 and 4, buildings erected by Wartime Housing Limited in the Township of Grantham, and for the purchase of the land upon which the said Staff Houses Numbers 1, 2, 3 and 4 are erected.

AND WHEREAS the said Council proposes to convert the said Staff Houses Numbers 1 and 4 into separate housing accommodations for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the buildings known as Staff Houses Numbers 1 and 4, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited, for the sum of \$5,460.00, be and the same is hereby approved and authorized.

2. That the purchase from War Assets Corporation Limited and/or Wartime Housing Limited of the land upon which are erected Staff Houses Numbers 1, 2, 3 and 4, for the sum of \$7,500.00, be and the same is hereby approved and authorized.

3. That authority be and is hereby given to expend monies, not exceeding \$11,000.00, in altering, modifying and equipping said Staff Houses Numbers 1 and 4 so as to provide therein separate housing accommodations.

4. That authority be and it is hereby given to the Finance Committee of the said Council to manage, operate and maintain the said buildings and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers and airmen of the Armed Forces of Canada returned from general service in the War in which Canada was engaged from the 10th day of September, 1939, or to their dependants or to the dependants of any sailor, soldier or airmen of such forces who is or was on general service outside Canada or who has been killed on Active Service in such War, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

5. That the monies required for the said purposes and the monies required for the purpose of By-laws Numbers 5009 and 5011 shall be provided by an issue of debentures, which said debentures may be consolidated with the issue of any other debentures for similar purposes or

with the issue of debentures as authorized by Paragraph 4 of *The Veterans' Housing Act, 1945*, and the said debentures shall be issued at such price and upon such terms as may be approved by resolution of the said Council.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents, other than debentures, necessary to implement the intent of this by-law, and that the Mayor and Commissioner of Finance be authorized to sign the debentures and the Clerk is hereby authorized to affix the corporate seal thereto.

PASSED this 17th day of December, 1945.

(Signed) HERBERT H. SMITH,
Clerk. (Seal)

(Signed) W. J. MACDONALD,
Mayor.

SCHEDULE E
CITY OF ST. CATHARINES
BY-LAW No. 5038

A By-law to authorize the purchase of the Commissary Building and certain lands in connection therewith, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-laws Nos. 5009, 5011 and 5025 the purchase of the buildings known as Staff Houses Nos. 1, 2, 3 and 4 and the land in connection therewith was authorized.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given further consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the Armed Forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as the Commissary Building and for the land upon which the said Building is erected.

AND WHEREAS the said Council proposes to convert the said Commissary Building into separate housing accommodations for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the building known as the Commissary Building, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited, for the sum of \$5,843.00, be and the same is hereby approved and authorized.

2. That the purchase from War Assets Corporation Limited and/or Wartime Housing Limited of the land upon which is erected the Commissary Building, for the sum of \$1,690.00, be and the same is hereby approved and authorized.

3. That authority be and it is hereby given to expend sufficient moneys in altering, modifying and equipping the said Commissary Building so as to provide therein separate housing accommodations.

4. That authority be and it is hereby given to the Finance Committee of the said Council to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers and airmen of the Armed Forces of Canada returned from general service in the War in which Canada was engaged from the 10th day of September, 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on Active Service in such War, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

5. That the monies required for the said purposes shall be provided by an issue of debentures, which said debentures may be consolidated with the issue of any other debentures for similar purposes or with the issue of debentures as authorized by Paragraph 4 of *The Veterans' Housing Act, 1945*, and the said debentures shall be issued at such price and upon such terms as may be approved by resolution of the said Council.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents, other than debentures, necessary to implement the intent of this By-law and that the Mayor and Commissioner of Finance be authorized to sign the debentures and the Clerk is hereby authorized to affix the corporate seal to such documents and debentures.

Passed this 4th day of February, 1946.

(Signed) HERBERT H. SMITH,	(Signed) W. J. MACDONALD,
<i>Clerk.</i>	<i>Mayor.</i>
(Seal)	

An Act respecting the City of
St. Catharines.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. LEWIS

(*Reprinted as amended by the Committee on
Private Bills.*)

No. 8

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of St. Catharines.

MR. LEWIS

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of St. Catharines.

WHEREAS the Corporation of the City of St. Catharines Preamble.
has by its petition prayed for special legislation to
confirm an order of the Ontario Municipal Board annexing
parts of the Township of Grantham to the City of St. Cathar-
ines and to validate and confirm certain by-laws; and whereas
it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Order No. P.F. B-3715 of the Ontario Municipal Board Municipal
Board
Order No.
P.F. B-3715
confirmed.
dated the 10th day of October, 1945, set out as schedule A
hereto, is hereby confirmed.

2. The said order shall have effect on and from the 1st Effective
date.
day of January, 1946.

3. The lands annexed to the City of St. Catharines, when Assessment
and
taxation.]
added to the assessment rolls of the City of St. Catharines
for the year 1945 pursuant to the said order, shall be assessed
and all proceedings shall be taken under the provisions of
The Assessment Act as if the lands had been entered upon the
said rolls under the said Act, and when the assessments
thereof have been revised and confirmed the said lands shall
be liable to taxation in the year 1946 at the same rate as other
lands in the City of St. Catharines. Rev. Stat.,
c. 272.

4. By-law No. 5009 passed by the council of the Corporation By-laws Nos.
5009, 5011
and 5025
validated.
of the City of St. Catharines on the 12th day of November,
1945, set out as schedule B hereto, by-law No. 5011 passed
by the said council on the 26th day of November, 1945, set out
as schedule C hereto, by-law No. 5025 passed by the said
council on the 17th day of December, 1945, set out as schedule
D hereto, and by-law No. 5038 passed by the said council
on the 4th day of February, 1946, set out as schedule E hereto,
being by-laws to authorize the purchase of certain lands and
buildings known as Staff Houses Nos. 1, 2, 3 and 4 and the
Commissary Building situate in the Township of Grantham

from War Assets Corporation Limited, are hereby confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of St. Catharines Act, 1946*.

SCHEDULE A

P.F. B-3715

THE ONTARIO MUNICIPAL BOARD

Wednesday, the Fifteenth day of August, A.D. 1945.

BEFORE:

R. S. COLTER, Esq., K.C.,
Chairman,D. S. CHARLTON, Esq.,
Vice-chairman, andW. P. NEAR, Esq., B.A.Sc.,
Commissioner.IN THE MATTER OF Section 23 of
"The Municipal Act" (R.S.O.
1937, Chapter 266), and amend-
ing Acts thereto, andIN THE MATTER OF the Application
by the Corporation of the City of
St. Catharines for annexation to
the City of St. Catharines of parts
of the Township of Grantham.

UPON THE APPLICATION of the Corporation of the City of St. Catharines and upon reading its By-law No. 4974, passed on the 21st day of May, 1945 and its By-law No. 4980 amending said By-law No. 4974, passed on the 4th day of June, 1945 authorizing an application to this Board for an order annexing parts of the Township of Grantham to the City of St. Catharines, and it appearing that the Corporation of the Town of Merritton desires to annex to the Town of Merritton that part of the Township of Grantham described in said By-law No. 4980 of the City of St. Catharines, and it further appearing, as shown by a resolution of the Council of the Corporation of the City of St. Catharines that the said Council consents to the land described in said By-law No. 4980 being annexed to the Town of Merritton instead of to the City of St. Catharines, and upon hearing what was alleged by M. A. Seymour, K.C. counsel for the Corporation of the City of St. Catharines, and upon being satisfied that notice of the hearing had been given as directed by the Board, and upon holding a public hearing in the Municipal Building in the City of St. Catharines on the 15th day of August, 1945.

THIS BOARD DOETH ORDER AND PROCLAIM that those parts of the Township of Grantham, in the County of Lincoln, described in the Schedule hereto, be and the same are hereby annexed to the City of St. Catharines subject to the following terms and conditions, namely:—

1. That the said parts of the Township of Grantham, to be annexed to the City of St. Catharines, from and after the day fixed for this order to take effect by the Act of the Legislature of the Province of Ontario confirming this order, shall be added to the assessment rolls of the City of St. Catharines for the year 1945 upon which taxes will be levied in the year 1946.

2. That the lands and premises, in the Township of Grantham, assessed to Ethel C. Fox and occupied as the residence by the said Ethel C. Fox and Harold G. Fox shall be assessed, in the City of St. Catharines, up to and including the 31st day of December, 1955, for an amount not exceeding \$15,760.00.

3. That all taxes imposed by the Township of Grantham upon the said lands up to the said day and all arrears of taxes owing on the said lands shall belong to the Corporation of the Township of Grantham.

4. That the Corporation of the City of St. Catharines shall have the right to collect all the said taxes owing to the Corporation of the Township of Grantham and may exercise all the powers provided in *The Assessment Act* as fully as if the said taxes had been assessed and levied by the Council of the Corporation of the City of St. Catharines but the proceeds

of the collection of such taxes, or any part of the same, after deducting therefrom the proper costs and expenses in connection with the collection of the same, shall be paid over by the Corporation of the City of St. Catharines to the Corporation of the Township of Grantham within six months from the date of collection.

5. That the said lands shall form part of St. Andrew's Ward of the City of St. Catharines.

6. That all rights, titles and interests of the Corporation of the Township of Grantham in any of the said lands described in the Schedule hereto, including all roads and streets and allowances therefor, shall vest, from and after the said date, in the Corporation of the City of St. Catharines, SAVING AND EXCEPTING the rights of ownership of the said Corporation of the Township of Grantham in Lots Nos. 138, 265 to 271, both inclusive, 438 to 443 both inclusive, as shown on the Plan of the Glenridge Subdivision, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 98, and part of Lot No. 17 in the Eighth Concession of the said Township more particularly described as follows: Commencing at the point of intersection of the southerly limit of the road allowance between Concessions 7 and 8 and the northerly limit of the right-of-way of the Canadian National Railways; thence easterly in and along the northerly limit of the right-of-way of the Canadian National Railways 360 feet to a point; thence northerly in a straight line to a point in the southerly limit of the said road allowance distant therein easterly 330 feet from the place of beginning; thence westerly in the southerly limit of the said road allowance 330 feet to the place of beginning.

7. That the Corporations of the City of St. Catharines, the Township of Grantham and the County of Lincoln shall be entitled to and shall be bound to make an adjustment of assets and liabilities, pursuant to said Section 23 of *The Municipal Act* and Section 38 of *The Public Schools Act* shall apply as between the municipalities and school sections affected by this order and in the event of the parties hereto not being able to agree upon the adjustment of assets and liabilities, then all such questions of adjustment may be referred to the Judge of the County Court of the County of Lincoln, or such other person or persons as the Board may appoint, who shall make inquiry and report to the Municipal Board upon the adjustment of assets and liabilities and all rights, claims, liabilities and obligations referred to in clauses (a), (b) and (c) of subsection 8 of Section 23 of the said Municipal Act.

The Board recommends, having regard to the incidence of assessment and taxation, that this order take effect on and from the 1st day of January 1946.

(Seal.)

(Signed) R. S. COLTER,
Chairman.

THE ONTARIO MUNICIPAL BOARD

Schedule.

1. That part of the Municipality of the Township of Grantham lying westerly of the Merrittville Stone Road (sometimes known as Glen Ridge Avenue) northerly of the right-of-way of the main line of the Canadian National Railway, and southerly of the southerly limit of the Municipality of the City of St. Catharines.

2. That part of the Municipality of the Township of Grantham shown on the Glenridge Subdivision Plan, registered in the Registry Office for the Registry Division of the County of Lincoln as Plan No. 98 for the Township of Grantham.

3. That part of the Municipality of the Township of Grantham, as described as Instruments registered in the said Registry Office as Numbers 14268 and 16013, respectively, for the Township of Grantham, and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham and County of Lincoln and Province of Ontario, being a part of Lots 15 and 16 in the Eighth Concession of the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a point in the northerly boundary of the Grand Trunk Railway right-of-way at the south-east angle of Lot 443 as shown on the Glenridge Plan and registered as Plan No. 98 for the said Township; thence south 75 degrees and 56 minutes east in the northerly boundary of the Grand Trunk Railway right-of-way, 720 and 6 tenths feet to a stake; thence north 67 degrees and 4 minutes east, 1583 and 8 tenths feet to the easterly boundary of Lot 15; thence north 40 minutes east in said last mentioned boundary, 1529 and 7 tenths feet to the northerly boundary of Concession 8; thence south 65 degrees and 55 minutes west in said last mentioned boundary, 1214 feet to the easterly boundary of Cliff Road as shown on the Glenridge Plan; thence in and along the easterly boundary of said road as shown on said plan to the easterly boundary of Lot 443 on said plan; thence south 14 degrees and 4 minutes west in the easterly boundary of Lot 443, 128 and 43 hundredths feet more or less to the point of commencement; TOGETHER WITH all the estate, right, title, interest, claim and demand whatsoever both at law and in equity or otherwise howsoever and whether in possession or expectancy of them the Grantors in to or out of that certain parcel or land situate, lying and being in the said Township of Grantham and being that part of the original allowance for road between the 7th and 8th Concessions of the said Township which is in Lots 15 and 16 of the said two Concessions extending from the east limit of Cliff Road as shown on the plan of Glenridge registered as No. 98 for the Township of Grantham to the west limit of Vine Street.

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the Township of Grantham, in the County of Lincoln and Province of Ontario, containing by admeasurement 16 and 1 tenth acres, more or less, being a Part of Lots 15 and 16 in the Eighth Concession of the said Township, and which said parcel or tract may be more particularly described as follows: Commencing at a point in the westerly boundary of the Road Allowance between Lots 14 and 15, distant therein northerly, 1077 and 9 tenths feet from the south-east corner of said Lot 15; thence North in the westerly boundary of said Road Allowance 833 and 3 tenths feet; thence south 66 degrees and 26 minutes west, 1591 feet to the northerly boundary of the lands of the Canadian National Railway; thence south 76 degrees and 37 minutes east in said last mentioned boundary, 1319 and 2 tenths feet; thence north 58 degrees and 9 minutes east, 203 feet, more or less to the place of beginning.

(Signed) R. S. COLTER.

SCHEDULE B

CITY OF ST. CATHARINES

BY-LAW No. 5009

A By-law to authorize the purchase of Staff House No. 2, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS there is a shortage of housing accommodation in the City of St. Catharines, and the Council of the Corporation of the City of St. Catharines has given consideration to the desirability and the necessity of providing housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as Staff House No. 2, a building erected by Wartime Housing Limited in the Township of Grantham, and for a lease of the land upon which the said building is erected.

AND WHEREAS the said Council proposes to convert the said building into separate housing accommodation for the purpose of providing housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the building known as Staff House No. 2, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited for the sum of \$4,020.00 be and the same is hereby approved and authorized.

2. That the entering into a lease with War Assets Corporation Limited and/or Wartime Housing Limited of the land, upon which the said building is erected, in such terms as may be approved by resolution of the Finance Committee of the said Council, is hereby approved and authorized.

3. That authority be and it is hereby given to expend monies not exceeding \$8,000.00 in altering, modifying and equipping the said building so as to provide therein separate housing accommodations.

4. That the said monies shall be provided out of the general funds of the Corporation.

5. That authority be and it is hereby given to the said Committee to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada was engaged from the 10th day of September 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on active service in such war, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee, of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents necessary to implement the intent of this by-law and the Clerk is hereby authorized to affix the Corporate seal thereto and deliver the same.

PASSED this 12th day of November, A.D. 1945.

(Signed) HERBERT H. SMITH,
Clerk.

(Signed) W. J. MACDONALD,
Mayor.

SCHEDULE C
CITY OF ST. CATHARINES
BY-LAW No. 5011

A By-law to authorize the purchase of Staff House No. 3, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-law No. 5009, the Council of the Corporation of the City of St. Catharines authorized the purchase of Staff House No. 2 for the purpose of providing housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the armed forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as Staff House No. 3, a building erected by Wartime Housing Limited in the Township of Grantham, and for a lease of the land upon which the said building is erected.

AND WHEREAS the said Council proposes to convert the said building into separate housing accommodation for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:—

1. That the purchase of the building known as Staff House No. 3, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited for the sum of \$4,020.00 be and the same is hereby approved and authorized.

2. That the entering into a lease with War Assets Corporation Limited and/or Wartime Housing Limited of the land, upon which the said building is erected, in such terms as may be approved by resolution of the Finance Committee of the said Council, is hereby approved and authorized.

3. That authority be and it is hereby given to expend monies not exceeding \$8,000.00 in altering, modifying and equipping the said building so as to provide therein separate housing accommodations.

4. That the said monies shall be provided out of the general funds of the Corporation.

5. That authority be and it is hereby given to the said Committee to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers or airmen of the three armed forces of Canada returned from general service in the war in which Canada was engaged from the 10th day of September 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on active service in such war, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee, of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents necessary to implement the intent of this by-law and the Clerk is hereby authorized to affix the Corporate seal thereto and deliver the same.

PASSED this 26th day of November, A.D. 1945.

(Signed) HERBERT H. SMITH, (Signed) W. J. MACDONALD,
Clerk. Seal *Mayor.*

SCHEDULE D

CITY OF ST. CATHARINES

BY-LAW No. 5025

A By-law to authorize the purchase of Staff Houses Numbers 1 and 4 and certain lands in connection therewith, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-laws Numbers 5009 and 5011 the purchase of the buildings known as Staff Houses Numbers 2 and 3 was authorized.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given further consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the Armed Forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what are known as Staff Houses Numbers 1 and 4, buildings erected by Wartime Housing Limited in the Township of Grantham, and for the purchase of the land upon which the said Staff Houses Numbers 1, 2, 3 and 4 are erected.

AND WHEREAS the said Council proposes to convert the said Staff Houses Numbers 1 and 4 into separate housing accommodations for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the buildings known as Staff Houses Numbers 1 and 4, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited, for the sum of \$5,460.00, be and the same is hereby approved and authorized.

2. That the purchase from War Assets Corporation Limited and/or Wartime Housing Limited of the land upon which are erected Staff Houses Numbers 1, 2, 3 and 4, for the sum of \$7,500.00, be and the same is hereby approved and authorized.

3. That authority be and is hereby given to expend monies, not exceeding \$11,000.00, in altering, modifying and equipping said Staff Houses Numbers 1 and 4 so as to provide therein separate housing accommodations.

4. That authority be and it is hereby given to the Finance Committee of the said Council to manage, operate and maintain the said buildings and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers and airmen of the Armed Forces of Canada returned from general service in the War in which Canada was engaged from the 10th day of September, 1939, or to their dependants or to the dependants of any sailor, soldier or airmen of such forces who is or was on general service outside Canada or who has been killed on Active Service in such War, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

5. That the monies required for the said purposes and the monies required for the purpose of By-laws Numbers 5009 and 5011 shall be provided by an issue of debentures, which said debentures may be consolidated with the issue of any other debentures for similar purposes or

with the issue of debentures as authorized by Paragraph 4 of *The Veterans' Housing Act, 1945*, and the said debentures shall be issued at such price and upon such terms as may be approved by resolution of the said Council.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents, other than debentures, necessary to implement the intent of this by-law, and that the Mayor and Commissioner of Finance be authorized to sign the debentures and the Clerk is hereby authorized to affix the corporate seal thereto.

PASSED this 17th day of December, 1945.

(Signed) HERBERT H. SMITH, (Signed) W. J. MACDONALD,
Clerk. (Seal) Mayor.

SCHEDULE E

CITY OF ST. CATHARINES

BY-LAW No. 5038

A By-law to authorize the purchase of the Commissary Building and certain lands in connection therewith, in the Township of Grantham, from War Assets Corporation Limited.

WHEREAS by By-laws Nos. 5009, 5011 and 5025 the purchase of the buildings known as Staff Houses Nos. 1, 2, 3 and 4 and the land in connection therewith was authorized.

AND WHEREAS there is a continuing shortage of housing accommodation and the Council has given further consideration to the desirability and necessity of providing additional housing accommodation for returned sailors, soldiers and airmen of the Armed Forces of Canada and their dependants.

AND WHEREAS the said Council has negotiated with War Assets Corporation Limited for the purchase of what is known as the Commissary Building and for the land upon which the said Building is erected.

AND WHEREAS the said Council proposes to convert the said Commissary Building into separate housing accommodations for the purpose of providing additional housing for returned sailors, soldiers and airmen and their dependants.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That the purchase of the building known as the Commissary Building, erected by Wartime Housing Limited in the Township of Grantham, from War Assets Corporation Limited and/or Wartime Housing Limited, for the sum of \$5,843.00, be and the same is hereby approved and authorized.

2. That the purchase from War Assets Corporation Limited and/or Wartime Housing Limited of the land upon which is erected the Commissary Building, for the sum of \$1,690.00, be and the same is hereby approved and authorized.

3. That authority be and it is hereby given to expend sufficient monies in altering, modifying and equipping the said Commissary Building so as to provide therein separate housing accommodations.

4. That authority be and it is hereby given to the Finance Committee of the said Council to manage, operate and maintain the said building and to lease, from time to time, the housing accommodation therein, upon such terms as may be approved by the said Committee, to sailors, soldiers and airmen of the Armed Forces of Canada returned from general service in the War in which Canada was engaged from the 10th day of September, 1939, or to their dependants or to the dependants of any sailor, soldier or airman of such forces who is or was on general service outside Canada or who has been killed on Active Service in such War, provided that whenever any of the said housing accommodation remains vacant and no person suitable to the said Committee of the above class or classes is available as a lessee, the same may be leased to any person approved by the said Committee.

5. That the monies required for the said purposes shall be provided by an issue of debentures, which said debentures may be consolidated with the issue of any other debentures for similar purposes or with the issue of debentures as authorized by Paragraph 4 of *The Veterans' Housing Act, 1945*, and the said debentures shall be issued at such price and upon such terms as may be approved by resolution of the said Council.

6. That the Mayor and Clerk be and each of them is hereby authorized to execute any and all documents, other than debentures, necessary to implement the intent of this By-law and that the Mayor and Commissioner of Finance be authorized to sign the debentures and the Clerk is hereby authorized to affix the corporate seal to such documents and debentures.

Passed this 4th day of February, 1946.

(Signed) HERBERT H. SMITH, (Signed) W. J. MACDONALD,
Clerk. Mayor.
(Seal)

St. Catharines.

1st Reading

March 19th, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. LEWIS

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

an Act to incorporate the Religious Hospitallers of St. Joseph of
Hotel Dieu of the Roman Catholic Archdiocese of Toronto
in Canada.

MR. LEWIS

(PRIVATE BILL)

BILL

An Act to incorporate the Religious Hospitallers of
St. Joseph of Hotel Dieu of the Roman
Catholic Archdiocese of Toronto
in Canada.

WHEREAS the Religious Hospitallers of St. Joseph of ^{Preamble.}
Hotel Dieu of the Roman Catholic Archdiocese of
Toronto in Canada has by its petition represented that a
religious community of Roman Catholic ladies has existed for
many years in the Roman Catholic Archdiocese of Kingston,
in Ontario, the said community having been incorporated
under an Act entitled *An Act to Incorporate the Sisters of* ^{1868, c. 60.}
l'Hotel Dieu for the Diocese of Kingston in the Province of On-
tario, being Chapter 60 of the Statutes of Ontario, 1868;
and whereas the said community is desirous of establishing
a separate community in the Roman Catholic Archdiocese of
Toronto for the reception and instruction of orphans, the
relief of the poor, the sick and other necessitous and other
charitable works and also for the establishment and conduct
by the said community of monasteries and public hospitals
at the City of St. Catharines and elsewhere in the Arch-
diocese of Toronto; and whereas the said community has
by its petition prayed that it may be incorporated; and
whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Sadie Kennedy, known in religion as Sister Mary ^{Incorporation.}
Immaculate, Catherine Brennan, known in religion as Sister
St. Catherine, and Veronica Callaghan, known in religion as
Sister Callaghan, being three professed nuns of the community,
and such other persons as shall become members of the com-
munity and their successors in the community are hereby
constituted a body corporate and politic under the name of
The Religious Hospitallers of St. Joseph of Hotel Dieu of the
Roman Catholic Archdiocese of Toronto in Canada and by
that name shall have perpetual succession and a corporate
seal and may under that name sue and be sued and shall have

all the powers and privileges conferred upon it by this Act, and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects, purposes and business of the corporation.

Head office. (2) The head office of the corporation shall be at the City of St. Catharines in the Province of Ontario.

Corporate seal. 2. The corporation shall have power from time to time to alter, renew or change its corporate seal at its pleasure, provided that the corporate seal shall always contain the name of the corporation.

Power to hold property, etc. 3. The corporation is hereby empowered to purchase, acquire, hold, possess and enjoy and to have, take and receive to it and its successors to and for the uses and purposes of the corporation any lands, tenements, hereditaments, real and immovable property and real and personal estate situated and being within the limits of the Roman Catholic Archdiocese of Toronto in Ontario and the same to sell, alienate, lease, mortgage, pledge and dispose of and to purchase others in their stead for the same purpose; provided that the corporation shall not at any time acquire or hold as purchaser any lands or tenements or interest therein otherwise than for actual use or occupation for the purposes of the corporation.

Idem. 4. The corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless the same are actually used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat.,
c. 147.

Investment of funds. 5. Subject to the limitations imposed by any specific trust as to same, the corporation may invest the proceeds of such property as it may dispose of in public securities of the Province of Ontario, mortgages or other approved trustee securities for the use of the corporation.

General powers.

6. Without limiting the generality of the powers hereinbefore conferred upon the corporation, it is also hereby empowered to establish, erect, equip, maintain, conduct, administer and develop monasteries, hospitals, schools for nurses and nurses' aides, schools for orderlies and orderlies' aides,

convalescent homes, orphanages, homes for the aged and poor, homes for girls and houses of refuge, with all the works and services pertaining thereto and to borrow money thereon or upon the credit of the corporation at the City of St. Catharines and elsewhere within the limits of the Roman Catholic Archdiocese of Toronto in the Province of Ontario, the whole in compliance with *The Public Hospitals Act*, the regulations in force from time to time thereunder and all other laws of the Province of Ontario in force from time to time relating thereto. Rev. Stat., c. 390.

7. The annual net revenue received by the corporation from the lands, tenements or interest therein held by it in Ontario for revenue purposes only shall not exceed \$400,000. Annual net revenue.

8.—(1) All the affairs of the corporation shall be administered by the Council, consisting of the Mother Superior of the community at St. Catharines and not less than two and not more than four professed nuns of the community residing in St. Catharines and holding offices in the corporation. Council.

(2) Three members of the Council shall constitute a quorum and all matters shall be decided by the vote of the majority of the members of the Council then present, provided that in the event of a tie the Mother Superior shall have an extra or casting vote. Quorum.

9. The officers of the corporation shall be the following in order of their rank, the Mother Superior, the Assistant, the Mistress of Novices, the Chief Hospitaller and the Bursar and the persons holding these five offices from time to time shall constitute the Council of the corporation, provided that the first Council shall consist of the incorporators above mentioned namely, Sadie Kennedy, known in religion as Sister Mary Immaculate, Catherine Brennan, known in religion as Sister St. Catherine and Veronica Callaghan, known in religion as Sister Callaghan, who shall hold office until their successors are appointed. Officers.

10. The Mother Superior shall hold office for three years from the date on which this Act receives the Royal Assent and thereafter shall be elected by the members of the corporation every three years for a term of three years. The same nun may be re-elected as Mother Superior for a second consecutive term of three years after the conclusion of which such nun shall not be eligible for further re-election as Mother Superior until after the lapse of an interval of one year after the end of her second term. Mother Superior.

11. The Assistant, the Mistress of Novices, the Chief Hospitaller and the Bursar shall hold office for one year after the date on which this Act receives the Royal Assent and there- Other officers.

after shall be elected annually by the members of the corporation and each of such officers may hold office for six consecutive years. At the end of six consecutive years as such officer such nun shall not be eligible for re-election until after the lapse of one year following the end of her sixth term.

Where
offices may
be held by
the same
person.

12. The office of Mother Superior and Bursar shall not be held by the same person, but in other cases one nun may hold more than one office.

First
officers.

13. The following shall be the first officers of the corporation and shall hold office for the periods hereinafter set forth following the date on which this Act receives the Royal Assent and until their respective successors are duly elected:

Mother Superior—Sadie Kennedy, known in religion as Sister Mary Immaculate—three years.

Assistant—Catherine Brennan, known in religion as Sister St. Catherine—one year.

Bursar—Veronica Callaghan, known in religion as Sister Callaghan—one year.

Provision
for the
first year.

14. During the first year after the date on which this Act receives the Royal Assent, the Chapter of the corporation may elect the Assistant or the Bursar or any other member of the corporation to act as Mistress of Novices or Chief Hospitaller or both Mistress of Novices and Chief Hospitaller.

Execution
of docu-
ments.

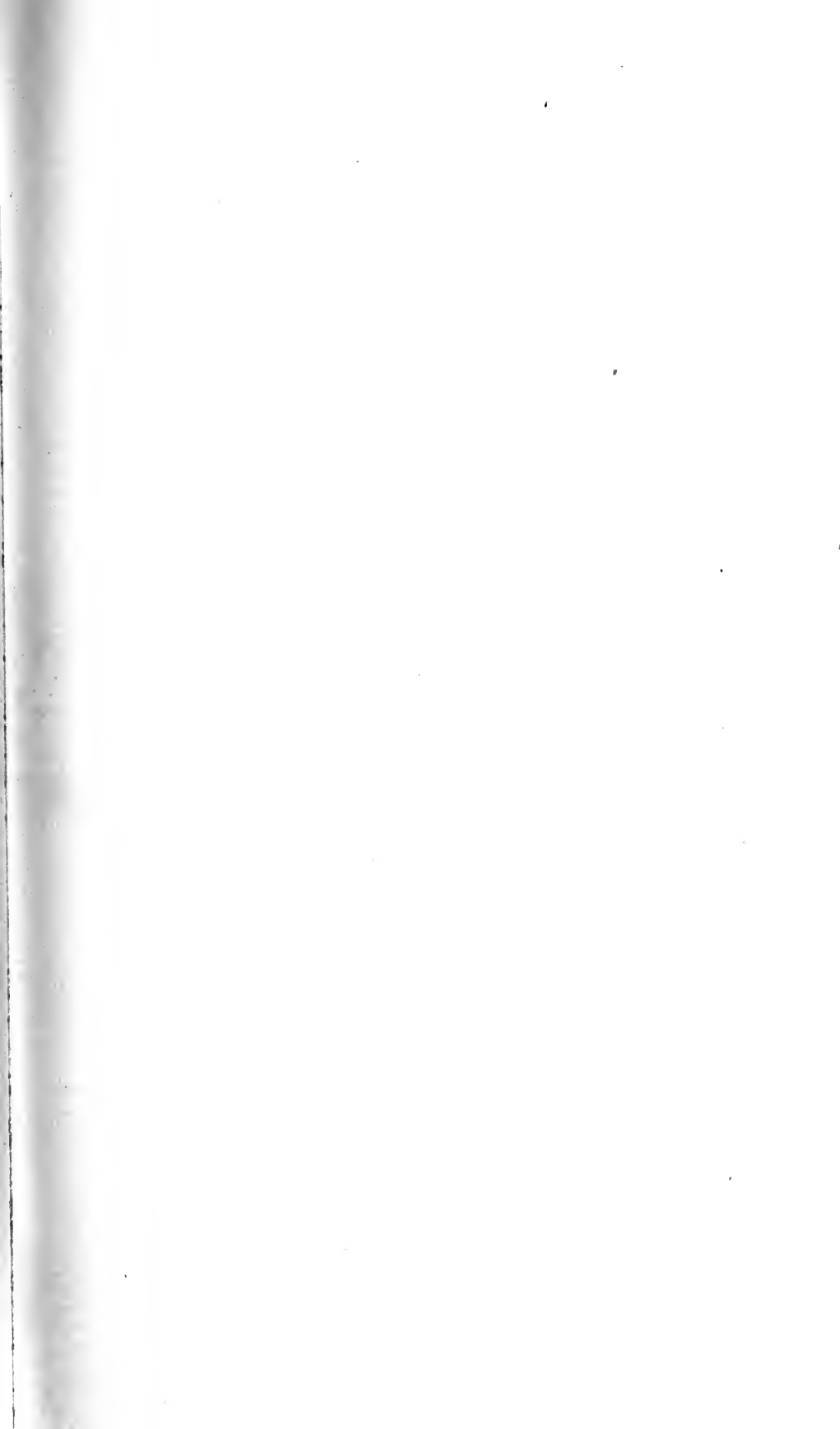
15. All deeds, conveyances, assignments, mortgages, statutory and other discharges of mortgages and other documents of title or documents borrowing money upon or pledging the credit of the corporation shall be executed on behalf of the corporation by the Mother Superior and by the other members of the Council of the corporation holding office at that time or by such person or persons as the Council shall from time to time by resolution thereto authorize, and shall bear the corporate seal of the corporation.

Powers and
duties of
Mother
Superior.

16. The Mother Superior shall be the senior officer of the corporation, shall decide all matters relating to religion, policy and discipline and she, with the assistance of the Bursar, shall have charge of all the ordinary business of the corporation.

Powers and
duties of
Bursar.

17. The Bursar shall have charge of the current outlays and expenses and the current revenues of the corporation but may not incur any unusual or extraordinary expense without the knowledge of the Mother Superior, to whom the Bursar shall render a monthly account of the expenses and revenues of the corporation in the presence of the other members of the Council.



18. The Chapter of the corporation shall consist of the Chapter. Mother Superior, the other members of the Council and all the other members of the corporation residing in the Roman Catholic Archdiocese of Toronto in Ontario.

19. Once a year before the election of officers the Mother Superior shall call a meeting of the Chapter at a time and place to be fixed by her and on such notice to the members as she considers proper and at such meeting the Mother Superior and the Bursar shall give an account of the receipts and expenditures and the disbursements and revenues of the corporation during the previous year and a report on the financial condition of the corporation and of the community at the time. Annual reports.

20. The Mother Superior shall have custody of the corporate seal of the corporation. Custody of seal.

21. All contracts, leases, distress warrants, agreements, promissory notes, cheques, drafts, bills of exchange and all documents other than documents of title or documents pledging the credit of the corporation shall be executed or endorsed on behalf of the corporation by the Mother Superior and by one other member of the Council holding office at that time or by such person or persons as the Council shall from time to time by resolution thereto authorize. Execution of contracts, etc.

22. The Council may, by a writing in specific terms, signed by each of its members, delegate any of its powers from time to time and thereafter cancel such delegation or delegations from time to time and thereafter re-delegate and re-cancel as may be required from time to time. Delegation of powers of Council.

23. The Mother Superior and the Council shall have power and authority to make and establish such by-laws, rules, orders and regulations not being contrary to this Act or *The Public Hospitals Act* and the regulations in force from time to time thereunder and not being contrary to the other laws in force in Ontario from time to time, as shall be deemed useful or necessary for the corporation and the conduct and administration of its hospitals and other works and business; and the Mother Superior and the Council may from time to time alter, repeal, amend and change such by-laws, rules, orders and regulations or any of them or those of the community in force at the time of the passing of this Act. Power to pass by-laws. Rev. Stat., c. 390.

24. The rents, revenues, and profits of all property, real and personal, held by the corporation shall, subject to the limitations imposed by any specific trust respecting the same, be appropriated and applied by the corporation solely to the maintenance of the members of the corporation, the construc- Application of revenues.

tion and repair of the buildings requisite for the purposes of the corporation, the operation, conduct and administration of the hospitals and other works of the corporation and the payment of expenses incurred or to be incurred by the corporation for objects legitimately connected with or depending on the purposes aforesaid.

Property
vested in
corporation.

25. All and every the estate and property, real or personal belonging to the members of the corporation and the community, as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the corporation, and the by-laws, rules, orders and regulations now made or to be made for the management of the corporation shall be and continue to be the by-laws, rules, orders and regulations of the corporation until altered or repealed.

No personal
liability by
reason of
this Act.

26. Nothing herein contained shall have the effect or be construed to have the effect of rendering any of the persons mentioned herein, or any of the members of the corporation, or of the community, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the corporation, or for or on account or in respect of any matter or thing whatsoever relating to the corporation.

Additional
powers of
Mother
Superior
and
Council.

27. The Mother Superior and the Council shall have power to appoint such attorneys, administrators of the property of the corporation, additional officers, managers, superintendents, physicians, surgeons, technicians, nurses, teachers, orderlies and other servants and agents of the corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services as shall be reasonable and proper in the opinion of the Mother Superior and the Council.

Commence-
ment of Act.

28. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

29. This Act may be cited as *The Religious Hospitallers of St. Joseph Act, 1946*.





BILL

An Act to incorporate the Religious Hospitals of St. Joseph of Hotel Dieu of the Roman Catholic Archdiocese of Toronto in Canada.

1st Reading

2nd Reading

3rd Reading

MR. LEWIS

(Private Bill)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

**An Act to incorporate the Religious Hospitallers of St. Joseph of
Hotel Dieu of the Roman Catholic Archdiocese of Toronto
in Canada.**

MR. LEWIS

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act to incorporate the Religious Hospitallers of
St. Joseph of Hotel Dieu of the Roman
Catholic Archdiocese of Toronto
in Canada.

WHEREAS the Religious Hospitallers of St. Joseph of ^{Preamble.}
Hotel Dieu of the Roman Catholic Archdiocese of
Toronto in Canada has by its petition represented that a
religious community of Roman Catholic ladies has existed for
many years in the Roman Catholic Archdiocese of Kingston,
in Ontario, the said community having been incorporated
under an Act entitled *An Act to Incorporate the Sisters of* ^{1868, c. 60.}
l'Hotel Dieu for the Diocese of Kingston in the Province of On-
tario, being Chapter 60 of the Statutes of Ontario, 1868;
and whereas the said community is desirous of establishing
a separate community in the Roman Catholic Archdiocese of
Toronto for the reception and instruction of orphans, the
relief of the poor, the sick and other necessitous and other
charitable works and also for the establishment and conduct
by the said community of monasteries and public hospitals
at the City of St. Catharines and elsewhere in the Arch-
diocese of Toronto; and whereas the said community has
by its petition prayed that it may be incorporated; and
whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Sadie Kennedy, known in religion as Sister Mary ^{Incorporation.}
Immaculate, Catherine Brennan, known in religion as Sister
St. Catherine, and Veronica Callaghan, known in religion as
Sister Callaghan, being three professed nuns of the community,
and such other persons as shall become members of the com-
munity and their successors in the community are hereby
constituted a body corporate and politic under the name of
The Religious Hospitallers of St. Joseph of Hotel Dieu of the
Roman Catholic Archdiocese of Toronto in Canada and by
that name shall have perpetual succession and a corporate
seal and may under that name sue and be sued and shall have

all the powers and privileges conferred upon it by this Act, and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects, purposes and business of the corporation.

Head office.

(2) The head office of the corporation shall be at the City of St. Catharines in the Province of Ontario.

Corporate seal.

2. The corporation shall have power from time to time to alter, renew or change its corporate seal at its pleasure, provided that the corporate seal shall always contain the name of the corporation.

Power to hold property, etc.

3.—(1) The corporation is hereby empowered to purchase, acquire, hold, possess and enjoy and to have, take and receive to it and its successors to and for the uses and purposes of the corporation any lands, tenements, hereditaments, real and immovable property and real and personal estate situated and being within the limits of the Roman Catholic Archdiocese of Toronto in Ontario and the same to sell, alienate, lease, mortgage, pledge and dispose of and to purchase others in their stead for the same purpose; provided that the corporation shall not at any time acquire or hold as purchaser any lands or tenements or interest therein otherwise than for actual use or occupation for the purposes of the corporation.

No expropriation.

(2) Nothing in this Act shall be deemed to include the right to expropriate land or other property.

Idem.

4. The corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless the same are actually used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat., c. 147.

Investment of funds.

5. Subject to the limitations imposed by any specific trust as to same, the corporation may invest the proceeds of such property as it may dispose of in public securities of the Province of Ontario, mortgages or other approved trustee securities for the use of the corporation.

General powers.

6. Without limiting the generality of the powers hereinbefore conferred upon the corporation, it is also hereby empowered to establish, erect, equip, maintain, conduct, administer and develop monasteries, hospitals, schools for nurses



and nurses' aides, schools for orderlies and orderlies' aides, convalescent homes, orphanages, homes for the aged and poor, homes for girls and houses of refuge, with all the works and services pertaining thereto and to borrow money thereon or upon the credit of the corporation at the City of St. Catharines and elsewhere within the limits of the Roman Catholic Archdiocese of Toronto in the Province of Ontario, the whole in compliance with *The Public Hospitals Act*, the regulations in force from time to time thereunder and all other laws of the Province of Ontario in force from time to time relating thereto.

Rev. Stat.,
c. 390.

7. The annual net revenue received by the corporation from the lands, tenements or interest therein held by it in Ontario for revenue purposes only shall not exceed \$400,000.

Annual net
revenue.

8.—(1) All the affairs of the corporation shall be administered by the Council, consisting of the Mother Superior of the community at St. Catharines and not less than two and not more than four professed nuns of the community residing in St. Catharines and holding offices in the corporation.

Council.

(2) Three members of the Council shall constitute a quorum and all matters shall be decided by the vote of the majority of the members of the Council then present, provided that in the event of a tie the Mother Superior shall have an extra or casting vote.

Quorum.

9. The officers of the corporation shall be the following in order of their rank, the Mother Superior, the Assistant, the Mistress of Novices, the Chief Hospitaller and the Bursar and the persons holding these five offices from time to time shall constitute the Council of the corporation, provided that the first Council shall consist of the incorporators above mentioned namely, Sadie Kennedy, known in religion as Sister Mary Immaculate, Catherine Brennan, known in religion as Sister St. Catherine and Veronica Callaghan, known in religion as Sister Callaghan, who shall hold office until their successors are appointed.

Officers.

10. The Mother Superior shall hold office for three years from the date on which this Act receives the Royal Assent and thereafter shall be elected by the members of the corporation every three years for a term of three years. The same nun may be re-elected as Mother Superior for a second consecutive term of three years after the conclusion of which such nun shall not be eligible for further re-election as Mother Superior until after the lapse of an interval of one year after the end of her second term.

Mother
Superior.

11. The Assistant, the Mistress of Novices, the Chief Hospitaller and the Bursar shall hold office for one year after the date on which this Act receives the Royal Assent and there-

Other
officers.

after shall be elected annually by the members of the corporation and each of such officers may hold office for six consecutive years. At the end of six consecutive years as such officer such nun shall not be eligible for re-election until after the lapse of one year following the end of her sixth term.

Where
offices may
be held by
the same
person.

12. The office of Mother Superior and Bursar shall not be held by the same person, but in other cases one nun may hold more than one office.

First
officers.

13. The following shall be the first officers of the corporation and shall hold office for the periods hereinafter set forth following the date on which this Act receives the Royal Assent and until their respective successors are duly elected:

Mother Superior—Sadie Kennedy, known in religion as Sister Mary Immaculate—three years.

Assistant—Catherine Brennan, known in religion as Sister St. Catherine—one year.

Bursar—Veronica Callaghan, known in religion as Sister Callaghan—one year.

Provision
for the
first year.

14. During the first year after the date on which this Act receives the Royal Assent, the Chapter of the corporation may elect the Assistant or the Bursar or any other member of the corporation to act as Mistress of Novices or Chief Hospitaller or both Mistress of Novices and Chief Hospitaller.

Execution
of docu-
ments.

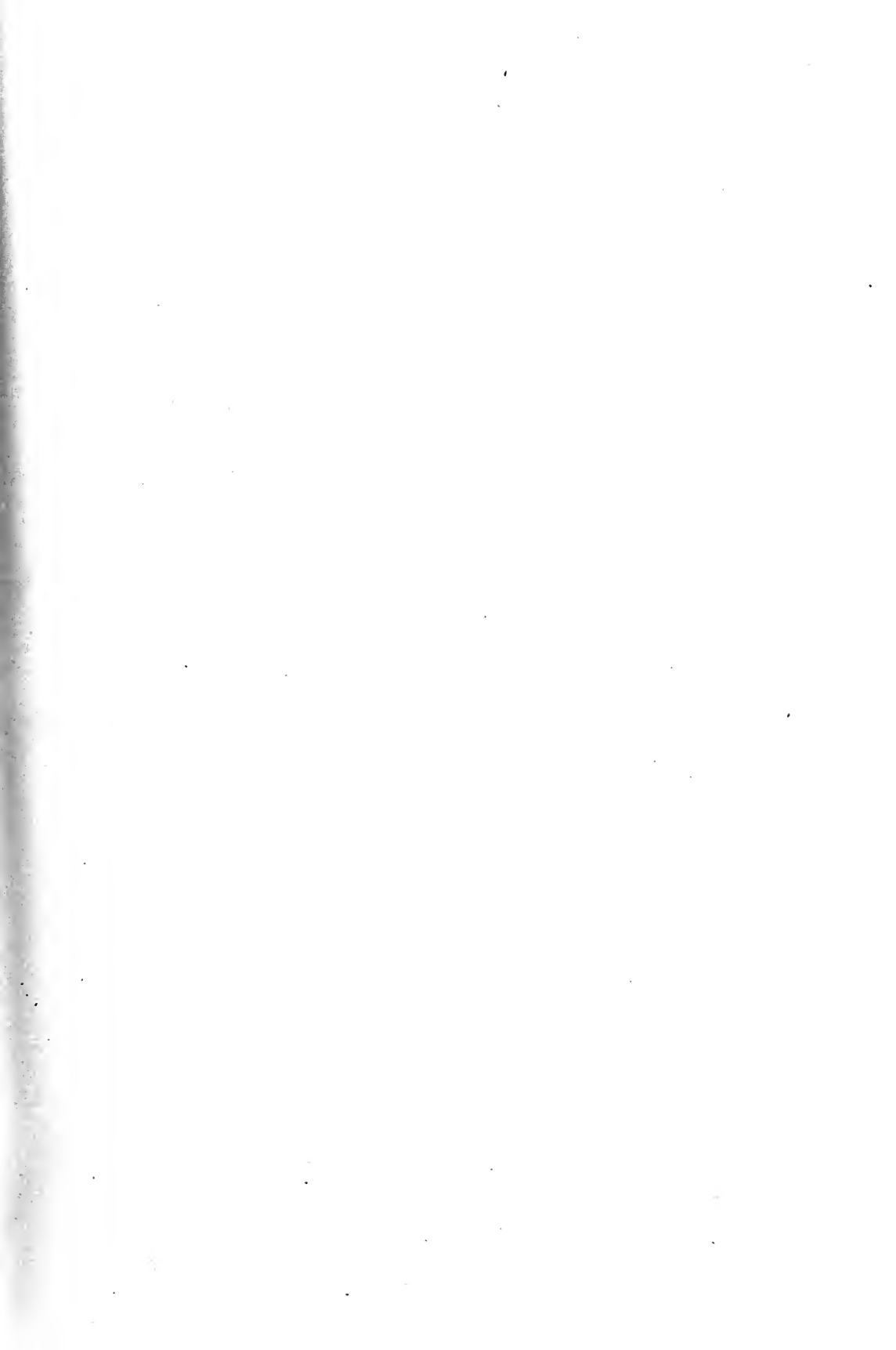
15. All deeds, conveyances, assignments, mortgages, statutory and other discharges of mortgages and other documents of title or documents borrowing money upon or pledging the credit of the corporation shall be executed on behalf of the corporation by the Mother Superior and by the other members of the Council of the corporation holding office at that time or by such person or persons as the Council shall from time to time by resolution thereto authorize, and shall bear the corporate seal of the corporation.

Powers and
duties of
Mother
Superior.

16. The Mother Superior shall be the senior officer of the corporation, shall decide all matters relating to religion, policy and discipline and she, with the assistance of the Bursar, shall have charge of all the ordinary business of the corporation.

Powers and
duties of
Bursar.

17. The Bursar shall have charge of the current outlays and expenses and the current revenues of the corporation but may not incur any unusual or extraordinary expense without the knowledge of the Mother Superior, to whom the Bursar shall render a monthly account of the expenses and revenues of the corporation in the presence of the other members of the Council.



18. The Chapter of the corporation shall consist of the Chapter. Mother Superior, the other members of the Council and all the other members of the corporation residing in the Roman Catholic Archdiocese of Toronto in Ontario.

19. Once a year before the election of officers the Mother Superior shall call a meeting of the Chapter at a time and place to be fixed by her and on such notice to the members as she considers proper and at such meeting the Mother Superior and the Bursar shall give an account of the receipts and expenditures and the disbursements and revenues of the corporation during the previous year and a report on the financial condition of the corporation and of the community at the time. ^{Annual reports.}

20. The Mother Superior shall have custody of the corporate seal of the corporation. ^{Custody of seal.}

21. All contracts, leases, distress warrants, agreements, promissory notes, cheques, drafts, bills of exchange and all documents other than documents of title or documents pledging the credit of the corporation shall be executed or endorsed on behalf of the corporation by the Mother Superior and by one other member of the Council holding office at that time or by such person or persons as the Council shall from time to time by resolution thereto authorize. ^{Execution of contracts, etc.}

22. The Council may, by a writing in specific terms, signed by each of its members, delegate any of its powers from time to time and thereafter cancel such delegation or delegations from time to time and thereafter re-delegate and re-cancel as may be required from time to time. ^{Delegation of powers of Council.}

23. The Mother Superior and the Council shall have power and authority to make and establish such by-laws, rules, orders and regulations not being contrary to this Act or *The Public Hospitals Act* and the regulations in force from time to time thereunder and not being contrary to the other laws in force in Ontario from time to time, as shall be deemed useful or necessary for the corporation and the conduct and administration of its hospitals and other works and business; and the Mother Superior and the Council may from time to time alter, repeal, amend and change such by-laws, rules, orders and regulations or any of them or those of the community in force at the time of the passing of this Act. ^{Power to pass by-laws. Rev. Stat., c. 390.}

24. The rents, revenues, and profits of all property, real and personal, held by the corporation shall, subject to the limitations imposed by any specific trust respecting the same, be appropriated and applied by the corporation solely to the maintenance of the members of the corporation, the construc- ^{Application of revenues.}

tion and repair of the buildings requisite for the purposes of the corporation, the operation, conduct and administration of the hospitals and other works of the corporation and the payment of expenses incurred or to be incurred by the corporation for objects legitimately connected with or depending on the purposes aforesaid.

Property
vested in
corporation.

25. All and every the estate and property, real or personal belonging to the members of the corporation and the community, as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the corporation, and the by-laws, rules, orders and regulations now made or to be made for the management of the corporation shall be and continue to be the by-laws, rules, orders and regulations of the corporation until altered or repealed.

No personal
liability by
reason of
this Act.

26. Nothing herein contained shall have the effect or be construed to have the effect of rendering any of the persons mentioned herein, or any of the members of the corporation, or of the community, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the corporation, or for or on account or in respect of any matter or thing whatsoever relating to the corporation.

Additional
powers of
Mother
Superior
and
Council.

27. The Mother Superior and the Council shall have power to appoint such attorneys, administrators of the property of the corporation, additional officers, managers, superintendents, physicians, surgeons, technicians, nurses, teachers, orderlies and other servants and agents of the corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services as shall be reasonable and proper in the opinion of the Mother Superior and the Council.

Commence-
ment of Act.

28. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

29. This Act may be cited as *The Religious Hospitallers of St. Joseph Act, 1946*.





BILL

An Act to incorporate the Religious Hospitals of St. Joseph of Hotel Dieu of the Roman Catholic Archdiocese of Toronto in Canada.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. LEWIS

*(Reprinted as amended by the Committee on
Private Bills.)*

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

**An Act to incorporate the Religious Hospitallers of St. Joseph of
Hotel Dieu of the Roman Catholic Archdiocese of Toronto
in Canada.**

MR. LEWIS

No. 9

1946

BILL

An Act to incorporate the Religious Hospitallers of
St. Joseph of Hotel Dieu of the Roman
Catholic Archdiocese of Toronto
in Canada.

WHEREAS the Religious Hospitallers of St. Joseph of ^{Preamble.}
Hotel Dieu of the Roman Catholic Archdiocese of
Toronto in Canada has by its petition represented that a
religious community of Roman Catholic ladies has existed for
many years in the Roman Catholic Archdiocese of Kingston,
in Ontario, the said community having been incorporated
under an Act entitled *An Act to Incorporate the Sisters of* ^{1868, c. 60.}
l'Hotel Dieu for the Diocese of Kingston in the Province of On-
tario, being Chapter 60 of the Statutes of Ontario, 1868;
and whereas the said community is desirous of establishing
a separate community in the Roman Catholic Archdiocese of
Toronto for the reception and instruction of orphans, the
relief of the poor, the sick and other necessitous and other
charitable works and also for the establishment and conduct
by the said community of monasteries and public hospitals
at the City of St. Catharines and elsewhere in the Arch-
diocese of Toronto; and whereas the said community has
by its petition prayed that it may be incorporated; and
whereas it is expedient to grant the prayer of the said
petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) Sadie Kennedy, known in religion as Sister Mary ^{Incorporation.}
Immaculate, Catherine Brennan, known in religion as Sister
St. Catherine, and Veronica Callaghan, known in religion as
Sister Callaghan, being three professed nuns of the community,
and such other persons as shall become members of the com-
munity and their successors in the community are hereby
constituted a body corporate and politic under the name of
The Religious Hospitallers of St. Joseph of Hotel Dieu of the
Roman Catholic Archdiocese of Toronto in Canada and by
that name shall have perpetual succession and a corporate
seal and may under that name sue and be sued and shall have

all the powers and privileges conferred upon it by this Act, and also all the other powers and privileges and immunities vested by law in corporations necessary or proper for the carrying out of the objects, purposes and business of the corporation.

Head office.

(2) The head office of the corporation shall be at the City of St. Catharines in the Province of Ontario.

Corporate seal.

2. The corporation shall have power from time to time to alter, renew or change its corporate seal at its pleasure, provided that the corporate seal shall always contain the name of the corporation.

Power to hold property, etc.

3.—(1) The corporation is hereby empowered to purchase, acquire, hold, possess and enjoy and to have, take and receive to it and its successors to and for the uses and purposes of the corporation any lands, tenements, hereditaments, real and immovable property and real and personal estate situated and being within the limits of the Roman Catholic Archdiocese of Toronto in Ontario and the same to sell, alienate, lease, mortgage, pledge and dispose of and to purchase others in their stead for the same purpose; provided that the corporation shall not at any time acquire or hold as purchaser any lands or tenements or interest therein otherwise than for actual use or occupation for the purposes of the corporation.

No expropriation.

(2) Nothing in this Act shall be deemed to include the right to expropriate land or other property.

Idem.

4. The corporation may from time to time take or hold by gift, devise or bequest any lands or tenements or interest therein; but no lands or tenements or interest therein acquired by gift, devise or bequest shall be held by the corporation for a longer period than seven years after the acquisition thereof unless the same are actually used or occupied for the purposes of the corporation; and to the extent that any such lands or tenements are not actually required for such use or occupation, the same shall within the said period of seven years be disposed of by the corporation, failing which the same shall be forfeited to the Crown as in the case of lands forfeited under *The Mortmain and Charitable Uses Act*.

Rev. Stat., c. 147.

Investment of funds.

5. Subject to the limitations imposed by any specific trust as to same, the corporation may invest the proceeds of such property as it may dispose of in public securities of the Province of Ontario, mortgages or other approved trustee securities for the use of the corporation.

General powers.

6. Without limiting the generality of the powers hereinbefore conferred upon the corporation, it is also hereby empowered to establish, erect, equip, maintain, conduct, administer and develop monasteries, hospitals, schools for nurses

and nurses' aides, schools for orderlies and orderlies' aides, convalescent homes, orphanages, homes for the aged and poor, homes for girls and houses of refuge, with all the works and services pertaining thereto and to borrow money thereon or upon the credit of the corporation at the City of St. Catharines and elsewhere within the limits of the Roman Catholic Archdiocese of Toronto in the Province of Ontario, the whole in compliance with *The Public Hospitals Act*, the regulations in Rev. Stat., c. 390. force from time to time thereunder and all other laws of the Province of Ontario in force from time to time relating thereto.

7. The annual net revenue received by the corporation Annual net revenue. from the lands, tenements or interest therein held by it in Ontario for revenue purposes only shall not exceed \$400,000.

8.—(1) All the affairs of the corporation shall be adminis- Council. tered by the Council, consisting of the Mother Superior of the community at St. Catharines and not less than two and not more than four professed nuns of the community residing in St. Catharines and holding offices in the corporation.

(2) Three members of the Council shall constitute a quorum Quorum. and all matters shall be decided by the vote of the majority of the members of the Council then present, provided that in the event of a tie the Mother Superior shall have an extra or casting vote.

9. The officers of the corporation shall be the following in Officers. order of their rank, the Mother Superior, the Assistant, the Mistress of Novices, the Chief Hospitaller and the Bursar and the persons holding these five offices from time to time shall constitute the Council of the corporation, provided that the first Council shall consist of the incorporators above mentioned namely, Sadie Kennedy, known in religion as Sister Mary Immaculate, Catherine Brennan, known in religion as Sister St. Catherine and Veronica Callaghan, known in religion as Sister Callaghan, who shall hold office until their successors are appointed.

10. The Mother Superior shall hold office for three years Mother Superior. from the date on which this Act receives the Royal Assent and thereafter shall be elected by the members of the corporation every three years for a term of three years. The same nun may be re-elected as Mother Superior for a second consecutive term of three years after the conclusion of which such nun shall not be eligible for further re-election as Mother Superior until after the lapse of an interval of one year after the end of her second term.

11. The Assistant, the Mistress of Novices, the Chief Hos- Other officers. pitaller and the Bursar shall hold office for one year after the date on which this Act receives the Royal Assent and there-

after shall be elected annually by the members of the corporation and each of such officers may hold office for six consecutive years. At the end of six consecutive years as such officer such nun shall not be eligible for re-election until after the lapse of one year following the end of her sixth term.

Where
offices may
be held by
the same
person.

12. The office of Mother Superior and Bursar shall not be held by the same person, but in other cases one nun may hold more than one office.

First
officers.

13. The following shall be the first officers of the corporation and shall hold office for the periods hereinafter set forth following the date on which this Act receives the Royal Assent and until their respective successors are duly elected:

Mother Superior—Sadie Kennedy, known in religion as Sister Mary Immaculate—three years.

Assistant—Catherine Brennan, known in religion as Sister St. Catherine—one year.

Bursar—Veronica Callaghan, known in religion as Sister Callaghan—one year.

Provision
for the
first year.

14. During the first year after the date on which this Act receives the Royal Assent, the Chapter of the corporation may elect the Assistant or the Bursar or any other member of the corporation to act as Mistress of Novices or Chief Hospitaller or both Mistress of Novices and Chief Hospitaller.

Execution
of docu-
ments.

15. All deeds, conveyances, assignments, mortgages, statutory and other discharges of mortgages and other documents of title or documents borrowing money upon or pledging the credit of the corporation shall be executed on behalf of the corporation by the Mother Superior and by the other members of the Council of the corporation holding office at that time or by such person or persons as the Council shall from time to time by resolution thereto authorize, and shall bear the corporate seal of the corporation.

Powers and
duties of
Mother
Superior.

16. The Mother Superior shall be the senior officer of the corporation, shall decide all matters relating to religion, policy and discipline and she, with the assistance of the Bursar, shall have charge of all the ordinary business of the corporation.

Powers and
duties of
Bursar.

17. The Bursar shall have charge of the current outlays and expenses and the current revenues of the corporation but may not incur any unusual or extraordinary expense without the knowledge of the Mother Superior, to whom the Bursar shall render a monthly account of the expenses and revenues of the corporation in the presence of the other members of the Council.

18. The Chapter of the corporation shall consist of the ^{Chapter.} Mother Superior, the other members of the Council and all the other members of the corporation residing in the Roman Catholic Archdiocese of Toronto in Ontario.

19. Once a year before the election of officers the Mother ^{Annual reports.} Superior shall call a meeting of the Chapter at a time and place to be fixed by her and on such notice to the members as she considers proper and at such meeting the Mother Superior and the Bursar shall give an account of the receipts and expenditures and the disbursements and revenues of the corporation during the previous year and a report on the financial condition of the corporation and of the community at the time.

20. The Mother Superior shall have custody of the cor- ^{Custody of seal.} porate seal of the corporation.

21. All contracts, leases, distress warrants, agreements, ^{Execution of contracts, etc.} promissory notes, cheques, drafts, bills of exchange and all documents other than documents of title or documents pledging the credit of the corporation shall be executed or endorsed on behalf of the corporation by the Mother Superior and by one other member of the Council holding office at that time or by such person or persons as the Council shall from time to time by resolution thereto authorize.

22. The Council may, by a writing in specific terms, signed ^{Delegation of powers of Council.} by each of its members, delegate any of its powers from time to time and thereafter cancel such delegation or delegations from time to time and thereafter re-delegate and re-cancel as may be required from time to time.

23. The Mother Superior and the Council shall have power ^{Power to pass by-laws.} and authority to make and establish such by-laws, rules, orders and regulations not being contrary to this Act or ^{Rev. Stat., c. 390.} *The Public Hospitals Act* and the regulations in force from time to time thereunder and not being contrary to the other laws in force in Ontario from time to time, as shall be deemed useful or necessary for the corporation and the conduct and administration of its hospitals and other works and business; and the Mother Superior and the Council may from time to time alter, repeal, amend and change such by-laws, rules, orders and regulations or any of them or those of the community in force at the time of the passing of this Act.

24. The rents, revenues, and profits of all property, real ^{Application of revenues.} and personal, held by the corporation shall, subject to the limitations imposed by any specific trust respecting the same, be appropriated and applied by the corporation solely to the maintenance of the members of the corporation, the construc-

tion and repair of the buildings requisite for the purposes of the corporation, the operation, conduct and administration of the hospitals and other works of the corporation and the payment of expenses incurred or to be incurred by the corporation for objects legitimately connected with or depending on the purposes aforesaid.

Property
vested in
corporation.

25. All and every the estate and property, real or personal belonging to the members of the corporation and the community, as such, and all debts, claims and rights whatsoever due to them in that quality, shall be and are hereby vested in the corporation, and the by-laws, rules, orders and regulations now made or to be made for the management of the corporation shall be and continue to be the by-laws, rules, orders and regulations of the corporation until altered or repealed.

No personal
liability by
reason of
this Act.

26. Nothing herein contained shall have the effect or be construed to have the effect of rendering any of the persons mentioned herein, or any of the members of the corporation, or of the community, or any person whatsoever, individually liable or accountable for or by reason of any debt, contract or security incurred or entered into for or by reason of the corporation, or for or on account or in respect of any matter or thing whatsoever relating to the corporation.

Additional
powers of
Mother
Superior
and
Council.

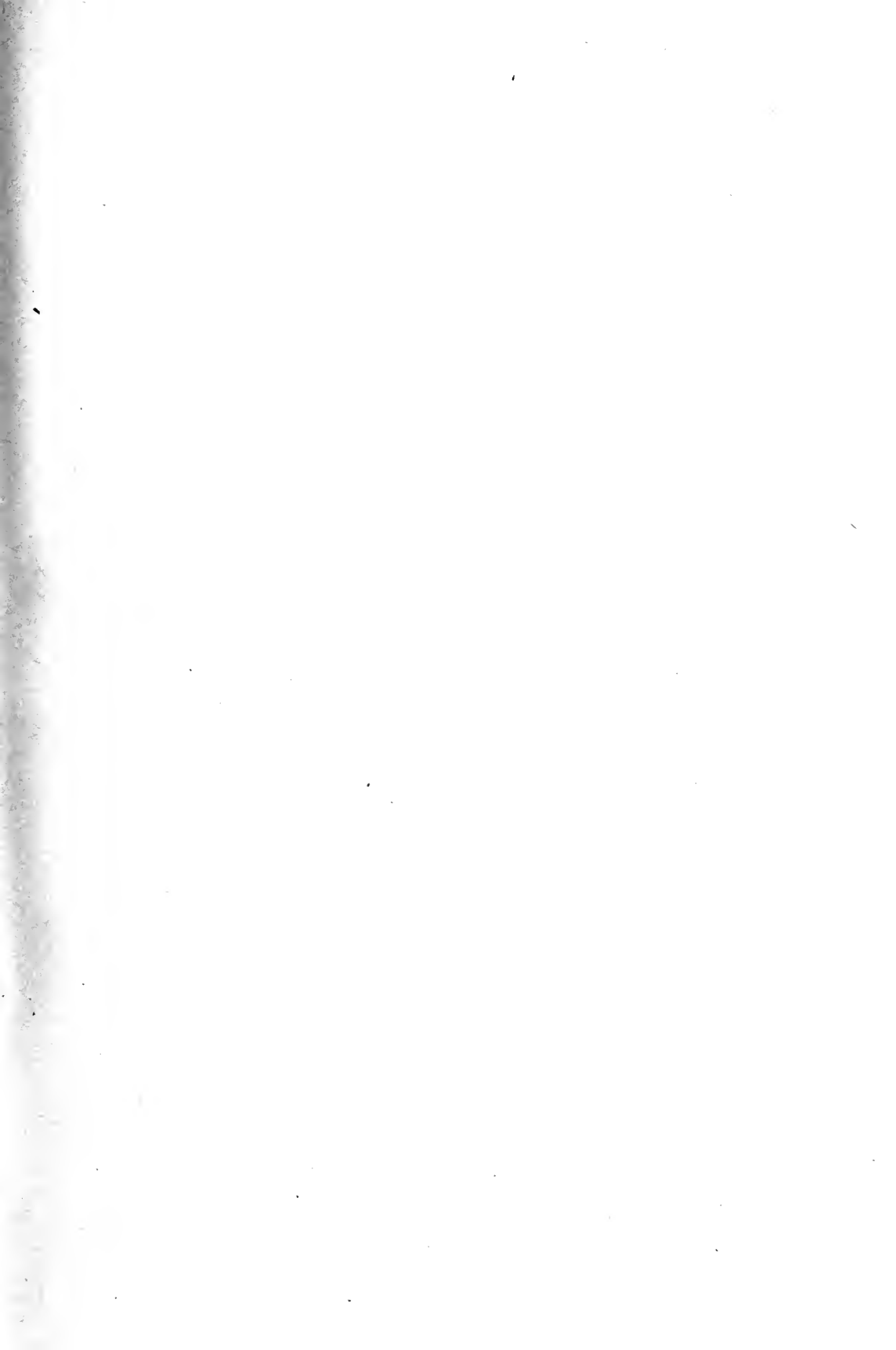
27. The Mother Superior and the Council shall have power to appoint such attorneys, administrators of the property of the corporation, additional officers, managers, superintendents, physicians, surgeons, technicians, nurses, teachers, orderlies and other servants and agents of the corporation as shall be necessary for the well-conducting of the business and affairs thereof, and to allow to them such compensation for their services as shall be reasonable and proper in the opinion of the Mother Superior and the Council.

Commence-
ment of Act.

28. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

29. This Act may be cited as *The Religious Hospitallers of St. Joseph Act, 1946.*





BILL

An Act to incorporate the Religious Hospitallers of St. Joseph of Hotel Dieu of the Roman Catholic Archdiocese of Toronto in Canada.

1st Reading

March 19th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. LEWIS

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

(PRIVATE BILL)

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa has Preamble.
by its petition prayed for special legislation to amend
The City of Ottawa Act, 1941, and *The Ottawa Civic Hospital* 1941, c. 72.
Act, being chapter 122 of the Statutes of Ontario, 1919, and 1919, c. 122.
to give the Corporation certain powers with respect to the
acquisition of lands for certain purposes; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 1 of *The City of Ottawa Act, 1941*, is amended by 1941,
striking out the words "expiration of six months after the c. 72, s. 1,
issue of a Proclamation by the Governor-General of Canada amended.
declaring that a state of war with the German Reich no longer
exists" in the seventh, eighth, ninth and tenth lines, and
inserting in lieu thereof the words and figures "1st day of Jan-
uary, 1949", so that the said section shall now read as follows:

1. Notwithstanding the provisions of by-law number 7036 Time for
passed by the council of the Corporation of the City entry under
of Ottawa on the 5th day of January, 1931, and by-law 7036
notwithstanding the order of the Ontario Municipal extended.
Board dated the 8th day of July, 1937, the time for
entry by the Corporation of the City of Ottawa on
the lands expropriated under the said by-law num-
ber 7036 shall be deferred until the 1st day of
January, 1949.

2.—(1) Subsection 1 of section 6 of *The Ottawa Civic* 1919,
Hospital Act, being chapter 122 of the Statutes of Ontario, c. 122, s. 6,
1919, is amended by striking out the word and figure "nine" subs. 1,
(9)" in the third and fourth lines and inserting in lieu thereof amended.
the word "eleven", and by striking out the word "six" in the
eighth line and inserting in lieu thereof the word "eight",
so that the said subsection shall now read as follows:

Board of
trustees.

- (1) The management and control of the hospital, including the power of making all appointments to the staff thereof, shall be vested in, and exercised by, a board of eleven trustees, constituted as follows: the mayor of the said city shall *ex officio* be a member of such board; two members thereof shall be appointed annually by the council of the said corporation from the members thereof, upon the nomination of the Board of Control, and the remaining eight trustees shall be appointed by the council upon the nomination of the said Board of Control, from the ratepayers of the said city, and shall hold office as provided by subsection 5 of this section.

1919,
c. 122, s. 6,
subs. 5,
re-enacted.

- (2) Subsection 5 of the said section 6 is repealed and the following substituted therefor:

Term of
office of
appointees
of Council.

- (5) The term of office of the eight trustees appointed from the ratepayers of the said city, as provided by subsection 1 of this section, shall, in the first instance, be regulated as follows: four of such trustees appointed by the council shall hold office until the end of the first year after the year of their appointment, and the remaining four shall hold office until the end of the second year after the year of their appointment; and the council shall, thereafter, so often as the office of a trustee who is not a member of the council becomes vacant, elect a successor thereto who shall hold office for a term of two years and until his successor is appointed.

1919,
c. 122, s. 6,
subs. 9,
amended.

- (3) Subsection 9 of the said section 6 is amended by striking out the word and figure "nine (9)" in the sixth line and inserting in lieu thereof the word "eleven", so that the said subsection shall now read as follows:

Filling of
vacancies.

- (9) Whenever, from any cause, the office of an appointed trustee becomes vacant prior to the expiration of his term of office, the council shall, without unnecessary delay, and in the manner provided by subsections 1 or 2 of this section, appoint a successor, so as to keep the membership of the said board up to the full number of eleven, and the person so appointed shall hold office for the remainder of the term of the trustee whose place he is appointed to fill.

1919,
c. 122, s. 6,
subs. 10,
amended.

- (4) Subsection 10 of the said section 6 is amended by striking out the word "Four" at the commencement thereof and inserting in lieu thereof the word "Six", so that the said subsection shall now read as follows:



BILL

An Act respecting the City of Ottawa.

1st Reading

2nd Reading

3rd Reading

MR. CHARTRAND

(Private Bill)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa has Preamble.
by its petition prayed for special legislation to amend
The City of Ottawa Act, 1941; and whereas it is expedient to 1941, c. 72.
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 1 of *The City of Ottawa Act, 1941*, is amended by 1941,
striking out the words "expiration of six months after the c. 72, s. 1,
issue of a Proclamation by the Governor-General of Canada amended.
declaring that a state of war with the German Reich no longer
exists" in the seventh, eighth, ninth and tenth lines, and
inserting in lieu thereof the words and figures "1st day of Jan-
uary, 1949", so that the said section shall now read as follows:

1. Notwithstanding the provisions of by-law number 7036 Time for
passed by the council of the Corporation of the City entry under
of Ottawa on the 5th day of January, 1931, and by-law 7036
notwithstanding the order of the Ontario Municipal extended.
Board dated the 8th day of July, 1937, the time for
entry by the Corporation of the City of Ottawa on
the lands expropriated under the said by-law num-
ber 7036 shall be deferred until the 1st day of
January, 1949.

2. This Act shall come into force on the day upon which Commence-
it receives the Royal Assent. ment of Act.

3. This Act may be cited as *The City of Ottawa Act, 1946*. Short title.

NO. 10

BILL

An Act respecting the City of Ottawa.

1st Reading

March 13th, 1946

2nd Reading

3rd Reading

MR. CHARTRAND

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 10

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Ottawa.

MR. CHARTRAND

BILL

An Act respecting the City of Ottawa.

WHEREAS the Corporation of the City of Ottawa has ^{Preamble.} by its petition prayed for special legislation to amend *The City of Ottawa Act, 1941*; and whereas it is expedient to ^{1941, c. 72.} grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The City of Ottawa Act, 1941*, is amended by ^{1941, c. 72, s. 1, amended.} striking out the words "expiration of six months after the issue of a Proclamation by the Governor-General of Canada declaring that a state of war with the German Reich no longer exists" in the seventh, eighth, ninth and tenth lines, and inserting in lieu thereof the words and figures "1st day of January, 1949", so that the said section shall now read as follows:

1. Notwithstanding the provisions of by-law number 7036 ^{Time for entry under by-law 7036 extended.} passed by the council of the Corporation of the City of Ottawa on the 5th day of January, 1931, and notwithstanding the order of the Ontario Municipal Board dated the 8th day of July, 1937, the time for entry by the Corporation of the City of Ottawa on the lands expropriated under the said by-law number 7036 shall be deferred until the 1st day of January, 1949.

2. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

3. This Act may be cited as *The City of Ottawa Act, 1946*. Short title.

BILL

An Act respecting the City of Ottawa.

1st Reading

March 13th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. CHARTRAND

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Collingwood.

MR. DOWNER

(PRIVATE BILL)

No. 11

1946

BILL

An Act respecting the Town of Collingwood.

WHEREAS the Corporation of the Town of Collingwood ^{Preamble.} has by its petition prayed for special legislation to authorize the expenditure of a sum not exceeding \$50,000 for the purpose of assisting and encouraging the establishment of industries in the Town, and to authorize the issuance of debentures for such expenditure; and whereas the council of the Corporation did on the 17th day of September, 1945, submit the matter to the electors of the Town qualified to vote on money by-laws and received the assent of such electors to the proposed expenditure and the issuance of debentures therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, ^{Expenditure of \$50,000 authorized.} the Corporation of the Town of Collingwood may expend an amount not exceeding \$50,000 for the purpose of assisting and encouraging the establishment of industries within the Town of Collingwood and may, to provide such expenditure, issue debentures on the credit of the Corporation bearing interest at three and one half per cent per annum and payable in annual sums during the term of ten years in such amounts respectively that the aggregate amount payable for principal and interest in any year shall be equal, as nearly as may be, to the amount so payable for principal and interest in each of the other years.

2. This Act shall come into force on the day upon which it ^{Commencement of Act.} receives the Royal Assent.

3. This Act may be cited as *The Town of Collingwood Act*, ^{Short title.} 1946.

BILL

An Act respecting the Town of
Collingwood.

1st Reading

2nd Reading

3rd Reading

MR. DOWNER

(Private Bill)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Collingwood.

MR. DOWNER

(Reprinted as amended by the Committee on Private Bills.)

No. 11

1946

BILL

An Act respecting the Town of Collingwood.

WHEREAS the Corporation of the Town of Collingwood Preamble.
has by its petition prayed for special legislation to authorize the expenditure of a sum not exceeding \$50,000 for the purpose of assisting and encouraging the establishment of industries in the Town, and to authorize the issuance of debentures for such expenditure; and whereas the council of the Corporation did on the 17th day of September, 1945, submit the matter to the electors of the Town qualified to vote on money by-laws and received the assent of such electors to the proposed expenditure and the issuance of debentures therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the approval of the Ontario Municipal Board, Expenditure of \$50,000 authorized.
the Corporation of the Town of Collingwood may expend an amount not exceeding \$50,000 for the purpose of assisting and encouraging the establishment of industries within the Town of Collingwood and may, to provide such expenditure, issue debentures on the credit of the Corporation bearing interest at a rate not exceeding three and one-half per cent per annum and payable in annual sums during the term of ten years in the manner provided by *The Municipal Act*.

2. This Act shall come into force on the day upon which it Commencement of Act.
receives the Royal Assent.

3. This Act may be cited as *The Town of Collingwood Act*, Short title.
1946.

BILL

An Act respecting the Town of
Collingwood.

1st Reading

March 13th, 1945

2nd Reading

3rd Reading

MR. DOWNER

*(Reprinted as amended by the Committee on
Private Bills.)*

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Collingwood.

MR. DOWNER

No. 11

1946

BILL

An Act respecting the Town of Collingwood.

WHEREAS the Corporation of the Town of Collingwood Preamble.
has by its petition prayed for special legislation to
authorize the expenditure of a sum not exceeding \$50,000
for the purpose of assisting and encouraging the establishment
of industries in the Town, and to authorize the issuance of
debentures for such expenditure; and whereas the council of the
Corporation did on the 17th day of September, 1945, submit
the matter to the electors of the Town qualified to vote on
money by-laws and received the assent of such electors to
the proposed expenditure and the issuance of debentures
therefor; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. Subject to the approval of the Ontario Municipal Board, Expenditure
of \$50,000
authorized.
the Corporation of the Town of Collingwood may expend an
amount not exceeding \$50,000 for the purpose of assisting
and encouraging the establishment of industries within the
Town of Collingwood and may, to provide such expenditure,
issue debentures on the credit of the Corporation bearing
interest at a rate not exceeding three and one-half per cent
per annum and payable in annual sums during the term of
ten years in the manner provided by *The Municipal Act*.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The Town of Collingwood Act*, Short title
1946.

BILL

An Act respecting the Town of
Collingwood.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

April 1st, 1946

MR. DOWNER

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of North York.

MR. MACKENZIE

(PRIVATE BILL)

BILL

An Act respecting the Township of North York.

WHEREAS the Corporation of the Township of North York has by its petition prayed for special legislation in regard to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,—

Definitions,—

- (a) “voted area” shall mean area of the Township set apart under subsections 2 and 3 of section 54 of *The Power Commission Act*; “voted area”;
- (b) “Commission” shall mean The Hydro-Electric Power Commission of Ontario; and “Commission”;
- (c) “local Commission” shall mean The Hydro Electric Commission of the Township of North York. “local Commission”;

(2) Notwithstanding anything contained in *The Power Commission Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members thereof, amalgamate two or more street lighting areas within the voted area and any street lighting works constructed under *The Local Improvement Act*, into one street lighting area; Power to amalgamate street lighting areas.

(3) In the event of any such amalgamation, all rights and claims of the areas and works so amalgamated shall be determined under section 9 of *The Township of North York Act, 1935*, and the provisions of the said section shall apply *mutatis mutandis* thereto. Determination of rights and liabilities.

(4) The local Commission shall, at the request of the council, furnish to the Corporation an annual rate approved by the Commission for each street lighting fixture, to be known as a Payment.

unit rate, which shall include the annual charges on the capital cost of the equipment, depreciation, lamp renewals, annual maintenance and cost of power, and such unit rate for each such fixture shall be raised, levied and collected by an annual special rate upon the taxable property abutting on the work, provided that the council may from time to time by by-law, without the assent of the electors, provide that the whole or such part of the unit rate as the council may deem proper shall be raised by the levy of a special rate on the rateable property within the area.

Additional
street
lighting.

(5) The council shall, upon petition for additional street lighting within the area set out in such petition, determine the type of street lighting to be installed, and the unit rate applicable thereto shall be based on the estimate submitted by the local Commission at the request of the council and shall be determined as aforesaid.

Existing
contracts.

(6) Every contract in effect with the Commission or the local Commission may by by-law be made applicable to any area established under this section.

Conflict.

(7) In the case of a conflict between the provisions of *The Power Commission Act*, *The Local Improvement Act* and this section, the provisions of this section shall govern.

Commence-
ment of
by-laws.

(8) No by-law passed under this section shall come into force until it has been approved by the Commission.

Community
halls.

2. The Council of the Corporation of the Township of North York may upon the request of a representative body of municipal ratepayers and the determination of an area by the council,—

- (a) submit a question to the municipal electors qualified to vote on money by-laws within the area for the expenditure of money for the building of a community hall within the said area;
- (b) upon the assent of a majority of such electors to the question, shall by by-law create the area, and provide for the erection of the community hall;
- (c) in the same or by subsequent by-law provide that the cost or such portion thereof as is necessary for the erection of the community hall, shall be chargeable to the area created therefor.

Alteration
of bound-
aries of
school
sections.

3. Notwithstanding anything contained in subsection 9 of section 55 of *The Public Schools Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members





thereof before the 1st day of July in any year, alter the boundaries of any school section within the Township by adding thereto a portion of any other school section or township school area and that the portion so removed from a school section or township school area shall be relieved from the payment of any part of the existing debt of the said school section or township school area from which it has been removed; such by-law, however, shall be subject to the approval of the Minister of Education and shall take effect if so approved on the 25th day of December in the year in which it is passed.

4. Notwithstanding anything contained in section 4 of *The High Schools Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members thereof on or before the 1st day of July in any year, remove a portion of an existing high school district therefrom and add the same to a non-high school district, which said portion so removed shall not be subject to the payment of its share of the existing debenture or other debts of the said high school district at the time of such separation; such by-law, however, shall be subject to the approval of the Minister of Education, and shall take effect if so approved on the 25th day of December in the year in which it is passed.

Alteration of
boundaries
of high
school
districts.

5. The Tax Arrears Certificate dated the 3rd day of December, 1940, and registered in the Registry Office for the Registry Division of the East and West Riding of the County of York on the 26th day of December, 1940, as Number 31759, covering parts of Lots 8 and 9 in the Second Concession East of Yonge Street, Township of North York, is hereby confirmed and declared to be legal, valid and binding, and to have had the effect of vesting in the Corporation of the Township of North York on the Twenty-sixth day of December, 1940, not merely the right-of-way over, but the title to, the lands described in schedule A hereto.

Tax Arrears
Certificate
31759
validated.

6. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, the Township of North York or any part thereof shall not be annexed to any adjoining municipality, nor shall any part thereof be incorporated as a municipality separate and apart from the Township, without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act*.

Annexation
prohibited.

7. The council of the Corporation of the Township of North York may by by-law passed by the majority of the whole

Trailer
camps.

number of the members thereof, license, regulate and control trailers and trailer camps within the municipality.

Water
supply
agreement
validated.

8. The agreement made between the Corporation of the Township of York and the Corporation of the Township of North York, dated the 4th day of February, 1946, set out as schedule B hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto.

Commence-
ment of Act.

9. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

10. This Act may be cited as *The Township of North York Act, 1946*.



SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, in the County of York, and being composed of part of Township Lot 8 in the Second Concession East of Yonge Street, and which said parcel may be more particularly described as follows:

Commencing in the easterly limit of Bayview Avenue where a round iron pipe has been planted therein distant two hundred and one feet six inches (201' 6") measured southerly thereon from the north-westerly angle of said Lot Number 8, being the north-westerly angle of a parcel of land owned by one Wilkinson;

Thence bearing north seven degrees fifty-five minutes ($70^{\circ} 55'$) west along said easterly limit of Bayview Avenue sixty-six feet seven inches (66' 7") to a stake planted therein;

Thence bearing north seventy-four degrees thirty-three minutes ($74^{\circ} 33'$) east along a line drawn parallel to and distant sixty-six feet (66') measured northerly at right angles from the northerly limit of said Wilkinson parcel four hundred and sixty-two feet six and one-half inches (462' 6½") to a stake planted;

Thence bearing north forty-eight degrees forty minutes ($48^{\circ} 40'$) east three hundred and six feet seven inches (306' 7") more or less to a stake planted in the limit between Township Lots 8 and 9 in the Second Concession distant seven hundred and twenty feet ten and one-half inches (720' 10½") measured easterly thereon from the easterly limit of Bayview Avenue;

Thence bearing north seventy-four degrees nine minutes thirty seconds ($74^{\circ} 9' 30''$) east along the limit between Township Lots 8 and 9 eight hundred and forty-seven feet and eleven inches (847' 11") to a stake;

Thence bearing south twenty-seven degrees fifty-four minutes ($27^{\circ} 54'$) east sixty-six feet and six inches (66' 6") to a stake planted in a line drawn sixty-six feet (66') southerly at right angles from the northerly limit of the lands herein described;

Thence bearing south seventy-four degrees nine minutes thirty seconds ($74^{\circ} 9' 30''$) west along the last mentioned parallel line eight hundred and forty-seven feet and one inch (847' 1") to a stake planted;

Thence bearing south forty-eight degrees forty minutes ($48^{\circ} 40'$) west three hundred and six feet and ten inches (306' 10") to a round pipe planted at the north-easterly angle of the said parcel owned by one Wilkinson;

Thence bearing south seventy-four degrees thirty-three minutes ($74^{\circ} 33'$) west along the northerly limit of said Wilkinson lands four hundred and eighty-six feet and five inches (486' 5") to the point of commencement.

SUBJECT, however, to any rights-of-way which may have existed on the Twenty-sixth day of December, A.D. 1940, over the hereinbefore described lands.

SCHEDULE B

THIS AGREEMENT, made in triplicate this 4th day of February, One Thousand Nine Hundred and Forty-six,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK,
hereinafter called "York"

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,
hereinafter called "North York"

OF THE SECOND PART.

WHEREAS North York is, under the terms of an agreement made with His Majesty the King, The Corporation of the City of Toronto and The Veterans Housing Project (Toronto) Limited, required to provide water to serve an area in the Township of North York adjacent to the limits of the Town of Weston and of the Township of York where a Dominion Government Permanent Housing Development has been planned;

AND WHEREAS York purchases its supply of water from the Corporation of the City of Toronto and has been requested by North York to sell to North York a supply of water in order to enable North York to serve the said areas hereinafter described, which York with the consent of the Corporation of the City of Toronto has agreed to do upon the terms and conditions hereinafter contained;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants and obligations hereinafter contained is hereby agreed by and between the Parties hereto as follows:

1. York hereby agrees to sell to North York a supply of water in order to enable North York

(a) To supply water for domestic and fire protection purposes to the two hundred houses more or less erected or to be erected by the Veterans Housing Project (Toronto) Ltd. in that part of North York designated herein as Area "A" and described as follows:

"A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of North York in the County of York and Province of Ontario and being composed of parts of Township Lots 3 and 4 in the Fourth Concession West of Yonge Street which may be more particularly described as follows:

Commencing at a point in the North limit of said Lot 4 distant easterly therein five hundred feet (500') from the Northwest angle of the said Lot 4;

Thence Easterly along the North limit of the said Lot 4 a distance of one thousand five hundred and ninety-five and thirty-five one hundredths feet (1595 35/100') more or less to the North-east angle of the proposed subdivision of lands upon which the Veterans Housing Project (Toronto) Ltd. are erecting Veterans' houses;

Thence South nine degrees forty-four minutes East (S. 9° 44' E.) a distance of one thousand and thirty and five-tenths feet (1030 5/10') to an angle in the said proposed plan of subdivision;

Thence South six degrees fifteen minutes West (S. 6° 15' W.) a distance of three hundred and fifty seven and seventy-five one hundredths feet (357 75/100') to a point in the north limit of Trethewey Drive;

Thence North eighty-three degrees forty-five minutes West (N. 83°-45' W.) and along the said North limit of Trethewey Drive a distance of one thousand two hundred and ten feet (1210') more or less to the west limit of a street allowance running northerly from Trethewey Drive;

Thence North six degrees fifteen minutes East (N. 6° 15' E.) a distance of two hundred and thirty-six feet (236') more or less to the south limit of a street allowance;

Thence North eighty-three degrees forty-five minutes West (N. 83°-45' W.) and along the south limit of a street allowance a distance of two hundred and forty-five feet (245') more or less to an angle in the same;

Thence South eighty degrees eighteen minutes thirty seconds West (S. 80° 18' 30" W.) and along the South limit of a street allowance one hundred and forty-five feet (145') more or less to a point in the southerly production of the west limit of the said plan of subdivision;

Thence North nine degrees forty-one minutes thirty seconds West (N. 9° 41' 30" W.) and along the West limit of the said proposed plan of subdivision a distance of one hundred and seventy-five and six-tenths feet (175 6/10') to an angle;

Thence North eighty degrees eighteen minutes thirty seconds East (N. 80° 18' 30" E.) a distance of ten and ninety-six one hundredths feet (10 96/100');

Thence North nine degrees forty-four minutes West (N. 9° 44' W.) a distance of three hundred and sixty-three and two tenths feet (363 2/10') more or less to the point of commencement.

and

(b) To supply water for manufacturing and domestic drinking purposes only to the lands which are now or may hereafter be developed for manufacturing purposes lying on either side of Industry Street in North York in an Area designated herein as Area "B" and which may be described as follows:

"B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of North York in the County of York and Province of Ontario and being composed of parts of Township Lots 3 and 4 in the Fourth Concession West of Yonge Street which said parcel may be more particularly described as follows:

Commencing at the point of intersection of the South limit of the said Lot 3 with the Northeast limit of the right-of-way of the Canadian Pacific Railway Co.;

Thence Northwesterly along the Northeast limit of the right-of-way of the Canadian Pacific Railway Co. a distance of one thousand three hundred and fifty-eight feet six inches (1358' 6") more or less to the point of intersection with the West limit of the said Lot 3 being the East limit of Jane Street;

Thence Northerly along the West limit of the said Lot 3 a distance of four hundred and fifty feet (450');

Thence North thirty-four degrees twenty-one minutes East (N. 34°-21' E.) a distance of four hundred and sixty-four feet four and three-quarter inches (464' 4¾") to a point in the Southwest limit of Industry Street;

Thence Easterly to the point of intersection of the Northeast limit of Industry Street with the South limit of Trethewey Drive;

Thence South eighty-three degrees forty-five minutes East (S. 83°-45' E.) and along the South limit of Trethewey Drive a distance of Two

thousand five hundred and fifty feet (2550') more or less to a point of curvature;

Thence Southerly in a straight line a distance of five hundred and forty-nine feet (549') to a point distant five hundred feet (500') measured northerly from and at right angles to the South limit of the said Lot 3 drawn from a point measured one thousand two hundred feet (1200') westerly in the South limit of the said Lot 3 from its intersection with the Southwest limit of Trethewey Drive;

Thence Southerly at right angles to the South limit of the said Lot 3 a distance of five hundred feet (500') to a point in the South limit of the said Lot 3 distant one thousand two hundred feet (1200') measured Westerly therein from the Southwest limit of Trethewey Drive;

Thence Westerly along the South limit of the said Township Lot 3, a distance of one thousand five hundred and forty-five feet two inches (1545' 2") more or less to the point of commencement;

2. The supply of water shall be taken by North York from the York Waterworks distribution system through the 12-inch watermain on Industry Street at or near the boundary of North York at a point to be determined by the Commissioner of Works for York.

3. The supply of water shall be metered at the said point, and North York shall provide and pay for such meter and the installation of same. North York at its own expense shall maintain and keep in repair the said meter and the recorder, recorder house, meter house, meter chambers, drains and all other appurtenances connected therewith. North York shall during the winter months at its own expense continuously heat such recorder or meter house as directed by and in a manner satisfactory to the Commissioner of Works for York.

4. North York shall pay to York at the rate of 20 cents per 1000 imperial gallons, payable quarterly for the water supplied, and the amount charged for the water shall be paid forthwith upon receipt from York of an account therefor. The price now paid by York for water purchased from the City of Toronto is a net price of 16 cents per thousand imperial gallons. It is agreed that should this price at any time hereafter be increased or decreased that the price charged by York to North York for its supply of water hereunder shall be increased or decreased at the same rate per thousand imperial gallons so that York shall at all times receive as compensation for the use of its mains and all services hereunder a rate of four cents per thousand imperial gallons more than is paid by York to the City of Toronto.

5. North York shall pay to York for such supply of water so metered in accordance with the quantity which the meter shall record; provided, that should the meter for any reason fail to record accurately or fail to record at all, the consumption is to be averaged and paid for by North York for such period of failure on the basis of the consumption for the three months preceding such failure, or the three months succeeding the time when such meter has been placed in proper and efficient working order as the Commissioner of Works for York shall determine.

6. The watermains, specials, hydrants, valves, meters and other appliances and appurtenances installed on the North York distribution system in the hereinbefore defined areas shall be in conformity with the standards of the City of Toronto, and North York shall before installing any distribution mains in the said areas submit the plans and specifications therefor to and receive the approval of the same by the Commissioner of Works for York: North York shall further notify the said Commissioner of Works whenever it finds it necessary to alter the grade of a street in the said areas in such manner that the watermain as laid will have a coverage of less than five feet six inches (5' 6").

7. It is agreed that York shall incur no expense or liability whatsoever in connection with the installation, repair, or maintenance of any part

of the waterworks distribution system of North York within the said areas.

8. North York hereby agrees to accept the water to be supplied under this agreement in such quantities and at such pressures and rates of flow and having such quality and content as may be provided by York. York reserves the right at any time and from time to time in its discretion to manipulate valves or anything connected with the water supply within the limits of the Township of York for its own better use or protection. In the event that the supply of water to North York shall for any reason be diminished, interrupted or cut off York shall be under no liability or obligation to North York for or by reason thereof; and North York hereby agrees to indemnify and save harmless York from any and all claims, actions, suits and demands whatsoever or howsoever arising out of or by reason of any failure or diminution in the supply of water, or the pressure at which water is supplied or by reason of the quality or content of the water or from any other cause whatsoever.

9. North York hereby covenants and agrees with York that it will upon receipt of a request in writing from the Commissioner of Works for York proceed as rapidly as possible thereafter with the construction of water storage facilities to be connected with the water distribution system within the said defined areas for the purpose of assisting in meeting the demands for the supply of water at peak periods; such storage facilities to be constructed at the expense of North York and in accordance with plans and specifications approved by the Commissioner of Works for York.

10. North York hereby covenants and agrees with York that it will not suffer or permit any of the supply of water obtained under the provisions of this agreement to be used for any purpose other than to serve lands and premises within the hereinbefore described areas; and that all water so supplied save that used for fire protection or other municipal purposes shall be sold and distributed by North York to its consumers in the areas on a basis of measurement by meter on each service.

11. North York hereby covenants and agrees with York that it will not suffer or permit any person, firm or corporation owning or occupying any land or building in the portions of North York designated herein as Area "B" to use water supplied under this agreement for fire protection purposes or for charging or supplying sprinkler systems in its plants or buildings or for any other purpose not authorized under the terms of Paragraph 1 (b) of this agreement and North York hereby covenants to indemnify York from and against all loss costs damages claims suits and actions which may arise or be made by reason or arising out of the use of water for any purpose not authorized under the terms of this agreement.

12. In the event of any differences arising between the Parties hereto which cannot be settled by mutual agreement then the same shall be referred to the Ontario Municipal Board as arbitrator and the decision of the said Board on any such application shall be final and not subject to appeal.

13. In the event of default by North York in any of the provisions covenants and agreements contained herein, and in the event that North York shall fail to remedy any such default within thirty days after receiving written notice thereof from York, then North York shall cease to have any further rights to a supply of water under the provisions of this agreement.

14. North York hereby agrees to use its best endeavours to have this agreement ratified and confirmed by legislation at the 1946 Session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the Parties hereto have hereunto set their Corporate Seals, attested by the hands of their proper officers on that behalf on the day and year first above written.

THE CORPORATION OF THE TOWNSHIP
OF YORK

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

THE CORPORATION OF THE TOWNSHIP
OF NORTH YORK

GEO. H. MITCHELL,
Reeve.

F. H. BROWN,
Acting Clerk.

BILL

An Act respecting the Township
of North York.

1st Reading

2nd Reading

3rd Reading

MR. MACKENZIE

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of North York.

MR. MACKENZIE

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the Township of North York.

WHEREAS the Corporation of the Township of North York has by its petition prayed for special legislation in regard to the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,—

Defini-
tions,—

(a) “voted area” shall mean area of the Township set apart under subsections 2 and 3 of section 54 of *The Power Commission Act*; “voted area”;

(b) “Commission” shall mean The Hydro-Electric Power Commission of Ontario; and “Commis-
sion”;

(c) “local Commission” shall mean The Hydro Electric Commission of the Township of North York. “local
Commis-
sion”;

(2) Notwithstanding anything contained in *The Power Commission Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members thereof, amalgamate two or more street lighting areas within the voted area and any street lighting works constructed under *The Local Improvement Act*, into one street lighting area; Power to
amalgamate
street
lighting
areas.

(3) In the event of any such amalgamation, all rights and claims of the areas and works so amalgamated shall be determined under section 9 of *The Township of North York Act, 1935*, and the provisions of the said section shall apply *mutatis mutandis* thereto. Determina-
tion of
rights and
liabilities.

(4) The local Commission shall, at the request of the council, furnish to the Corporation an annual rate approved by the Commission for each street lighting fixture, to be known as a Payment.

unit rate, which shall include the annual charges for the capital cost of the equipment, depreciation, lamp renewals, maintenance and cost of power, and such unit rate for each such fixture shall be raised, levied and collected by an annual special rate upon the taxable property abutting on the work, provided that the council may from time to time by by-law, without the assent of the electors, provide that the whole or such part of the unit rate as the council may deem proper shall be raised by the levy of a special rate on the rateable property within the area.

Proviso.

Additional
street
lighting.

(5) The council shall, upon petition for additional street lighting within the area set out in such petition, determine the type of street lighting to be installed, and the unit rate applicable thereto shall be based on the estimate submitted by the local Commission at the request of the council and shall be determined as aforesaid.

Existing
contracts.

(6) Every contract in effect with the Commission or the local Commission may by by-law be made applicable to any area established under this section.

Conflict.

(7) In the case of a conflict between the provisions of *The Power Commission Act*, *The Local Improvement Act* and this section, the provisions of this section shall govern.

Commence-
ment of
by-laws.

(8) No by-law passed under this section shall come into force until it has been approved by the Commission.

Community
halls.


2. The Council of the Corporation of the Township of North York may upon the request of a representative body of municipal ratepayers and the determination of an area by the council,—

- (a) submit a question to the municipal electors qualified to vote on money by-laws within the area for the expenditure of money for the building of a community hall within the said area;
- (b) upon the assent of a majority of such electors to the question, shall by by-law create the area, and provide for the erection of the community hall;
- (c) in the same or by subsequent by-law provide that the cost or such portion thereof as is necessary for the erection of the community hall, shall be chargeable to the area created therefor.

Alteration
of bound-
aries of
school
sections.

3. Notwithstanding anything contained in subsection 9 of section 55 of *The Public Schools Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members thereof

before the 1st day of July in any year, alter the boundaries of School Section Number 2 within the Township by adding thereto all or part of the portion of Township School Area Number One described in schedule C hereto, and that such portion so removed from the said Township School Area shall be relieved from the payment of any existing debt of the said Township School Area from which it has been removed; such by-law, however, shall be subject to the approval of the Minister of Education and shall take effect if so approved on the 25th day of December in the year in which it is passed.

4. The Tax Arrears Certificate dated the 3rd day of December, 1940, and registered in the Registry Office for the Registry Division of the East and West Riding of the County of York on the 26th day of December, 1940, as Number 31759, covering parts of Lots 8 and 9 in the Second Concession East of Yonge Street, Township of North York, is hereby confirmed and declared to be legal, valid and binding, and to have had the effect of vesting in the Corporation of the Township of North York on the Twenty-sixth day of December, 1940, not merely the right-of-way over, but the title to, the lands described in schedule A hereto.  Tax Arrears Certificate 31759 validated.

5. No part of the Township of North York shall be incorporated as a municipality separate and apart from the Township, without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act*. No incorporation of part of North York.

6. The agreement made between the Corporation of the Township of York and the Corporation of the Township of North York, dated the 4th day of February, 1946, set out as schedule B hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto. Water supply agreement validated.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

8. This Act may be cited as *The Township of North York Act, 1946*. Short title.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, in the County of York, and being composed of part of Township Lot 8 in the Second Concession East of Yonge Street, and which said parcel may be more particularly described as follows:

Commencing in the easterly limit of Bayview Avenue where a round iron pipe has been planted therein distant two hundred and one feet six inches (201' 6") measured southerly thereon from the north-westerly angle of said Lot Number 8, being the north-westerly angle of a parcel of land owned by one Wilkinson;

Thence bearing north seven degrees fifty-five minutes (70° 55') west along said easterly limit of Bayview Avenue sixty-six feet seven inches (66' 7") to a stake planted therein;

Thence bearing north seventy-four degrees thirty-three minutes (74° 33') east along a line drawn parallel to and distant sixty-six feet (66') measured northerly at right angles from the northerly limit of said Wilkinson parcel four hundred and sixty-two feet six and one-half inches (462' 6½") to a stake planted;

Thence bearing north forty-eight degrees forty minutes (48° 40') east three hundred and six feet seven inches (306' 7") more or less to a stake planted in the limit between Township Lots 8 and 9 in the Second Concession distant seven hundred and twenty feet ten and one-half inches (720' 10½") measured easterly thereon from the easterly limit of Bayview Avenue;

Thence bearing north seventy-four degrees nine minutes thirty seconds (74° 9' 30") east along the limit between Township Lots 8 and 9 eight hundred and forty-seven feet and eleven inches (847' 11") to a stake;

Thence bearing south twenty-seven degrees fifty-four minutes (27° 54') east sixty-six feet and six inches (66' 6") to a stake planted in a line drawn sixty-six feet (66') southerly at right angles from the northerly limit of the lands herein described;

Thence bearing south seventy-four degrees nine minutes thirty seconds (74° 9' 30") west along the last mentioned parallel line eight hundred and forty-seven feet and one inch (847' 1") to a stake planted;

Thence bearing south forty-eight degrees forty minutes (48° 40') west three hundred and six feet and ten inches (306' 10") to a round pipe planted at the north-easterly angle of the said parcel owned by one Wilkinson;

Thence bearing south seventy-four degrees thirty-three minutes (74° 33') west along the northerly limit of said Wilkinson lands four hundred and eighty-six feet and five inches (486' 5") to the point of commencement.

SUBJECT, however, to any rights-of-way which may have existed on the Twenty-sixth day of December, A.D. 1940, over the hereinbefore described lands.

SCHEDULE B

THIS AGREEMENT, made in triplicate this 4th day of February, One Thousand Nine Hundred and Forty-six,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK,
hereinafter called "York"

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,
hereinafter called "North York"

OF THE SECOND PART.

WHEREAS North York is, under the terms of an agreement made with His Majesty the King, The Corporation of the City of Toronto and The Veterans Housing Project (Toronto) Limited, required to provide water to serve an area in the Township of North York adjacent to the limits of the Town of Weston and of the Township of York where a Dominion Government Permanent Housing Development has been planned;

AND WHEREAS York purchases its supply of water from the Corporation of the City of Toronto and has been requested by North York to sell to North York a supply of water in order to enable North York to serve the said areas hereinafter described, which York with the consent of the Corporation of the City of Toronto has agreed to do upon the terms and conditions hereinafter contained;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants and obligations hereinafter contained is hereby agreed by and between the Parties hereto as follows:

1. York hereby agrees to sell to North York a supply of water in order to enable North York

(a) To supply water for domestic and fire protection purposes to the two hundred houses more or less erected or to be erected by the Veterans Housing Project (Toronto) Ltd. in that part of North York designated herein as Area "A" and described as follows:

"A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of North York in the County of York and Province of Ontario and being composed of parts of Township Lots 3 and 4 in the Fourth Concession West of Yonge Street which may be more particularly described as follows:

Commencing at a point in the North limit of said Lot 4 distant easterly therein five hundred feet (500') from the Northwest angle of the said Lot 4;

Thence Easterly along the North limit of the said Lot 4 a distance of one thousand five hundred and ninety-five and thirty-five one hundredth feet (1595 35/100') more or less to the North-east angle of the proposed subdivision of lands upon which the Veterans Housing Project (Toronto) Ltd. are erecting Veterans' houses;

Thence South nine degrees forty-four minutes East (S. 9° 44' E.) a distance of one thousand and thirty and five-tenths feet (1030 5/10') to an angle in the said proposed plan of subdivision;

Thence South six degrees fifteen minutes West (S. 6° 15' W.) a distance of three hundred and fifty seven and seventy-five one hundredths feet (357 75/100') to a point in the north limit of Trethewey Drive;

Thence North eighty-three degrees forty-five minutes West (N. 83°-45' W.) and along the said North limit of Trethewey Drive a distance of one thousand two hundred and ten feet (1210') more or less to the west limit of a street allowance running northerly from Trethewey Drive;

Thence North six degrees fifteen minutes East (N. 6° 15' E.) a distance of two hundred and thirty-six feet (236') more or less to the south limit of a street allowance;

Thence North eighty-three degrees forty-five minutes West (N. 83°-45' W.) and along the south limit of a street allowance a distance of two hundred and forty-five feet (245') more or less to an angle in the same;

Thence South eighty degrees eighteen minutes thirty seconds West (S. 80° 18' 30" W.) and along the South limit of a street allowance one hundred and forty-five feet (145') more or less to a point in the southerly production of the west limit of the said plan of subdivision;

Thence North nine degrees forty-one minutes thirty seconds West (N. 9° 41' 30" W.) and along the West limit of the said proposed plan of subdivision a distance of one hundred and seventy-five and six-tenths feet ($175 \frac{6}{10}$ ') to an angle;

Thence North eighty degrees eighteen minutes thirty seconds East (N. 80° 18' 30" E.) a distance of ten and ninety-six one hundredths feet ($10 \frac{96}{100}$ ');

Thence North nine degrees forty-four minutes West (N. 9° 44' W.) a distance of three hundred and sixty-three and two tenths feet ($363 \frac{2}{10}$ ') more or less to the point of commencement.

and

(b) To supply water for manufacturing and domestic drinking purposes only to the lands which are now or may hereafter be developed for manufacturing purposes lying on either side of Industry Street in North York in an Area designated herein as Area "B" and which may be described as follows:

"B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of North York in the County of York and Province of Ontario and being composed of parts of Township Lots 3 and 4 in the Fourth Concession West of Yonge Street which said parcel may be more particularly described as follows:

Commencing at the point of intersection of the South limit of the said Lot 3 with the Northeast limit of the right-of-way of the Canadian Pacific Railway Co.;

Thence Northwesterly along the Northeast limit of the right-of-way of the Canadian Pacific Railway Co. a distance of one thousand three hundred and fifty-eight feet six inches ($1358' 6''$) more or less to the point of intersection with the West limit of the said Lot 3 being the East limit of Jane Street;

Thence Northerly along the West limit of the said Lot 3 a distance of four hundred and fifty feet (450');

Thence North thirty-four degrees twenty-one minutes East (N. 34°-21' E.) a distance of four hundred and sixty-four feet four and three-quarter inches ($464' 4\frac{3}{4}''$) to a point in the Southwest limit of Industry Street;

Thence Easterly to the point of intersection of the Northeast limit of Industry Street with the South limit of Trethewey Drive;

Thence South eighty-three degrees forty-five minutes East (S. 83°-45' E.) and along the South limit of Trethewey Drive a distance of Two

thousand five hundred and fifty feet (2550') more or less to a point of curvature;

Thence Southerly in a straight line a distance of five hundred and forty-nine feet (549') to a point distant five hundred feet (500') measured northerly from and at right angles to the South limit of the said Lot 3 drawn from a point measured one thousand two hundred feet (1200') westerly in the South limit of the said Lot 3 from its intersection with the Southwest limit of Trethewey Drive;

Thence Southerly at right angles to the South limit of the said Lot 3 a distance of five hundred feet (500') to a point in the South limit of the said Lot 3 distant one thousand two hundred feet (1200') measured West-erly therein from the Southwest limit of Trethewey Drive;

Thence Westerly along the South limit of the said Township Lot 3, a distance of one thousand five hundred and forty-five feet two inches (1545' 2") more or less to the point of commencement;

2. The supply of water shall be taken by North York from the York Waterworks distribution system through the 12-inch watermain on Industry Street at or near the boundary of North York at a point to be determined by the Commissioner of Works for York.

3. The supply of water shall be metered at the said point, and North York shall provide and pay for such meter and the installation of same. North York at its own expense shall maintain and keep in repair the said meter and the recorder, recorder house, meter house, meter chambers, drains and all other appurtenances connected therewith. North York shall during the winter months at its own expense continuously heat such recorder or meter house as directed by and in a manner satisfactory to the Commissioner of Works for York.

4. North York shall pay to York at the rate of 20 cents per 1000 imperial gallons, payable quarterly for the water supplied, and the amount charged for the water shall be paid forthwith upon receipt from York of an account therefor. The price now paid by York for water purchased from the City of Toronto is a net price of 16 cents per thousand imperial gallons. It is agreed that should this price at any time hereafter be increased or decreased that the price charged by York to North York for its supply of water hereunder shall be increased or decreased at the same rate per thousand imperial gallons so that York shall at all times receive as compensation for the use of its mains and all services hereunder a rate of four cents per thousand imperial gallons more than is paid by York to the City of Toronto.

5. North York shall pay to York for such supply of water so metered in accordance with the quantity which the meter shall record; provided, that should the meter for any reason fail to record accurately or fail to record at all, the consumption is to be averaged and paid for by North York for such period of failure on the basis of the consumption for the three months preceding such failure, or the three months succeeding the time when such meter has been placed in proper and efficient working order as the Commissioner of Works for York shall determine.

6. The watermain, specials, hydrants, valves, meters and other appliances and appurtenances installed on the North York distribution system in the hereinbefore defined areas shall be in conformity with the standards of the City of Toronto, and North York shall before installing any distribution mains in the said areas submit the plans and specifications therefor to and receive the approval of the same by the Commissioner of Works for York: North York shall further notify the said Commissioner of Works whenever it finds it necessary to alter the grade of a street in the said areas in such manner that the watermain as laid will have a coverage of less than five feet six inches (5' 6").

7. It is agreed that York shall incur no expense or liability whatsoever in connection with the installation, repair, or maintenance of any part

of the waterworks distribution system of North York within the said areas.

8. North York hereby agrees to accept the water to be supplied under this agreement in such quantities and at such pressures and rates of flow and having such quality and content as may be provided by York. York reserves the right at any time and from time to time in its discretion to manipulate valves or anything connected with the water supply within the limits of the Township of York for its own better use or protection. In the event that the supply of water to North York shall for any reason be diminished, interrupted or cut off York shall be under no liability or obligation to North York for or by reason thereof; and North York hereby agrees to indemnify and save harmless York from any and all claims, actions, suits and demands whatsoever or howsoever arising out of or by reason of any failure or diminution in the supply of water, or the pressure at which water is supplied or by reason of the quality or content of the water or from any other cause whatsoever.

9. North York hereby covenants and agrees with York that it will upon receipt of a request in writing from the Commissioner of Works for York proceed as rapidly as possible thereafter with the construction of water storage facilities to be connected with the water distribution system within the said defined areas for the purpose of assisting in meeting the demands for the supply of water at peak periods; such storage facilities to be constructed at the expense of North York and in accordance with plans and specifications approved by the Commissioner of Works for York.

10. North York hereby covenants and agrees with York that it will not suffer or permit any of the supply of water obtained under the provisions of this agreement to be used for any purpose other than to serve lands and premises within the hereinbefore described areas; and that all water so supplied save that used for fire protection or other municipal purposes shall be sold and distributed by North York to its consumers in the areas on a basis of measurement by meter on each service.

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12. In the event of any differences arising between the Parties hereto which cannot be settled by mutual agreement then the same shall be referred to the Ontario Municipal Board as arbitrator and the decision of the said Board on any such application shall be final and not subject to appeal.

13. In the event of default by North York in any of the provisions covenants and agreements contained herein, and in the event that North York shall fail to remedy any such default within thirty days after receiving written notice thereof from York, then North York shall cease to have any further rights to a supply of water under the provisions of this agreement.

14. North York hereby agrees to use its best endeavours to have this agreement ratified and confirmed by legislation at the 1946 Session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the Parties hereto have hereunto set their Corporate Seals, attested by the hands of their proper officers on that behalf on the day and year first above written.

THE CORPORATION OF THE TOWNSHIP
OF YORK

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

THE CORPORATION OF THE TOWNSHIP
OF NORTH YORK

GEO. H. MITCHELL,
Reeve.

F. H. BROWN,
Acting Clerk.

SCHEDULE C

COMMENCING at a point in the Easterly boundary of the Corporation of the City of Toronto where the same is intersected by the North limit of Township Lot Number 6, Concession 1, East of Yonge Street, Township of North York; thence in an Easterly direction along the North limit of Block A, Plan 2385, to a point in the West bank of the Don River, which point is the North-easterly angle of Lot 183, Plan 1858; thence in a Southerly direction along the Easterly limits of Lot 183, Plan 1858 and Lots 47 and 48 and Block B, Plan 2335, to the point of the intersection of the Westerly limit of Bayview Avenue with the Don River; thence in a Southerly direction along the Westerly limit of Bayview Avenue to the South limit of Township School Area Number 1 (which is the Northerly limit of Township Lot Number 5, Concession 1, East of Yonge Street); thence westerly along the South limit of Township School Area Number 1 to a point in the Northerly limit of Lawrence Avenue where the same is intersected by the Easterly boundary of the Corporation of the City of Toronto; thence northerly along the said Easterly boundary of the said City to the place of beginning.

BILL

An Act respecting the Township
of North York.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. MACKENZIE

(*Reprinted as amended by the Committee on
Private Bills.*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of North York.

MR. MACKENZIE

BILL

An Act respecting the Township of North York.

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Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,—

Defini-
tions,—

- (a) “voted area” shall mean area of the Township set apart under subsections 2 and 3 of section 54 of *The Power Commission Act*; “voted area”;
- (b) “Commission” shall mean The Hydro-Electric Power Commission of Ontario; and “Commis-
sion”;
- (c) “local Commission” shall mean The Hydro Electric Commission of the Township of North York. “local
Commis-
sion”;

(2) Notwithstanding anything contained in *The Power Commission Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members thereof, amalgamate two or more street lighting areas within the voted area and any street lighting works constructed under *The Local Improvement Act*, into one street lighting area; Power to
amalgamate
street
lighting
areas.

(3) In the event of any such amalgamation, all rights and claims of the areas and works so amalgamated shall be determined under section 9 of *The Township of North York Act, 1935*, and the provisions of the said section shall apply *mutatis mutandis* thereto. Determi-
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(4) The local Commission shall, at the request of the council, furnish to the Corporation an annual rate approved by the Commission for each street lighting fixture, to be known as a Payment.

- unit rate, which shall include the annual charges for: the capital cost of the equipment, depreciation, lamp renewals, maintenance and cost of power, and such unit rate for each such fixture shall be raised, levied and collected by an annual special rate upon the taxable property abutting on the work, provided that the council may from time to time by by-law, without the assent of the electors, provide that the whole or such part of the unit rate as the council may deem proper shall be raised by the levy of a special rate on the rateable property within the area.
- Proviso.**
- Additional street lighting.** (5) The council shall, upon petition for additional street lighting within the area set out in such petition, determine the type of street lighting to be installed, and the unit rate applicable thereto shall be based on the estimate submitted by the local Commission at the request of the council and shall be determined as aforesaid.
- Existing contracts.** (6) Every contract in effect with the Commission or the local Commission may by by-law be made applicable to any area established under this section.
- Conflict.** (7) In the case of a conflict between the provisions of *The Power Commission Act*, *The Local Improvement Act* and this section, the provisions of this section shall govern.
- Commencement of by-laws.** (8) No by-law passed under this section shall come into force until it has been approved by the Commission.
- Community halls.** **2.** The Council of the Corporation of the Township of North York may upon the request of a representative body of municipal ratepayers and the determination of an area by the council,—
- (a) submit a question to the municipal electors qualified to vote on money by-laws within the area for the expenditure of money for the building of a community hall within the said area;
 - (b) upon the assent of a majority of such electors to the question, shall by by-law create the area, and provide for the erection of the community hall;
 - (c) in the same or by subsequent by-law provide that the cost or such portion thereof as is necessary for the erection of the community hall, shall be chargeable to the area created therefor.
- Alteration of boundaries of school sections.** **3.** Notwithstanding anything contained in subsection 9 of section 55 of *The Public Schools Act*, the council of the Corporation of the Township of North York may by by-law passed by the majority of the whole number of the members thereof

before the 1st day of July in any year, alter the boundaries of School Section Number 2 within the Township by adding thereto all or part of the portion of Township School Area Number One described in schedule C hereto, and that such portion so removed from the said Township School Area shall be relieved from the payment of any existing debt of the said Township School Area from which it has been removed; such by-law, however, shall be subject to the approval of the Minister of Education and shall take effect if so approved on the 25th day of December in the year in which it is passed.

4. The Tax Arrears Certificate dated the 3rd day of December, 1940, and registered in the Registry Office for the Registry Division of the East and West Riding of the County of York on the 26th day of December, 1940, as Number 31759, covering parts of Lots 8 and 9 in the Second Concession East of Yonge Street, Township of North York, is hereby confirmed and declared to be legal, valid and binding, and to have had the effect of vesting in the Corporation of the Township of North York on the Twenty-sixth day of December, 1940, not merely the right-of-way over, but the title to, the lands described in schedule A hereto. Tax Arrears Certificate 31759 validated.

5. No part of the Township of North York shall be incorporated as a municipality separate and apart from the Township, without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act*. No incorporation of part of North York.

6. The agreement made between the Corporation of the Township of York and the Corporation of the Township of North York, dated the 4th day of February, 1946, set out as schedule B hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto. Water supply agreement validated.

7. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

8. This Act may be cited as *The Township of North York Act, 1946*. Short title.

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North York, in the County of York, and being composed of part of Township Lot 8 in the Second Concession East of Yonge Street, and which said parcel may be more particularly described as follows:

Commencing in the easterly limit of Bayview Avenue where a round iron pipe has been planted therein distant two hundred and one feet six inches (201' 6") measured southerly thereon from the north-westerly angle of said Lot Number 8, being the north-westerly angle of a parcel of land owned by one Wilkinson;

Thence bearing north seven degrees fifty-five minutes (70° 55') west along said easterly limit of Bayview Avenue sixty-six feet seven inches (66' 7") to a stake planted therein;

Thence bearing north seventy-four degrees thirty-three minutes (74° 33') east along a line drawn parallel to and distant sixty-six feet (66') measured northerly at right angles from the northerly limit of said Wilkinson parcel four hundred and sixty-two feet six and one-half inches (462' 6½") to a stake planted;

Thence bearing north forty-eight degrees forty minutes (48° 40') east three hundred and six feet seven inches (306' 7") more or less to a stake planted in the limit between Township Lots 8 and 9 in the Second Concession distant seven hundred and twenty feet ten and one-half inches (720' 10½") measured easterly thereon from the easterly limit of Bayview Avenue;

Thence bearing north seventy-four degrees nine minutes thirty seconds (74° 9' 30") east along the limit between Township Lots 8 and 9 eight hundred and forty-seven feet and eleven inches (847' 11") to a stake;

Thence bearing south twenty-seven degrees fifty-four minutes (27° 54') east sixty-six feet and six inches (66' 6") to a stake planted in a line drawn sixty-six feet (66') southerly at right angles from the northerly limit of the lands herein described;

Thence bearing south seventy-four degrees nine minutes thirty seconds (74° 9' 30") west along the last mentioned parallel line eight hundred and forty-seven feet and one inch (847' 1") to a stake planted;

Thence bearing south forty-eight degrees forty minutes (48° 40') west three hundred and six feet and ten inches (306' 10") to a round pipe planted at the north-easterly angle of the said parcel owned by one Wilkinson;

Thence bearing south seventy-four degrees thirty-three minutes (74° 33') west along the northerly limit of said Wilkinson lands four hundred and eighty-six feet and five inches (486' 5") to the point of commencement.

SUBJECT, however, to any rights-of-way which may have existed on the Twenty-sixth day of December, A.D. 1940, over the hereinbefore described lands.

SCHEDULE B

THIS AGREEMENT, made in triplicate this 4th day of February, One Thousand Nine Hundred and Forty-six,

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK,
hereinafter called "York"

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF NORTH YORK,
hereinafter called "North York"

OF THE SECOND PART.

WHEREAS North York is, under the terms of an agreement made with His Majesty the King, The Corporation of the City of Toronto and The Veterans Housing Project (Toronto) Limited, required to provide water to serve an area in the Township of North York adjacent to the limits of the Town of Weston and of the Township of York where a Dominion Government Permanent Housing Development has been planned;

AND WHEREAS York purchases its supply of water from the Corporation of the City of Toronto and has been requested by North York to sell to North York a supply of water in order to enable North York to serve the said areas hereinafter described, which York with the consent of the Corporation of the City of Toronto has agreed to do upon the terms and conditions hereinafter contained;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants and obligations hereinafter contained is hereby agreed by and between the Parties hereto as follows:

1. York hereby agrees to sell to North York a supply of water in order to enable North York

(a) To supply water for domestic and fire protection purposes to the two hundred houses more or less erected or to be erected by the Veterans Housing Project (Toronto) Ltd. in that part of North York designated herein as Area "A" and described as follows:

"A"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of North York in the County of York and Province of Ontario and being composed of parts of Township Lots 3 and 4 in the Fourth Concession West of Yonge Street which may be more particularly described as follows:

Commencing at a point in the North limit of said Lot 4 distant easterly therein five hundred feet (500') from the Northwest angle of the said Lot 4;

Thence Easterly along the North limit of the said Lot 4 a distance of one thousand five hundred and ninety-five and thirty-five one hundredth feet (1595 35/100') more or less to the North-east angle of the proposed subdivision of lands upon which the Veterans Housing Project (Toronto) Ltd. are erecting Veterans' houses;

Thence South nine degrees forty-four minutes East (S. 9° 44' E.) a distance of one thousand and thirty and five-tenths feet (1030 5/10') to an angle in the said proposed plan of subdivision;

Thence South six degrees fifteen minutes West (S. 6° 15' W.) a distance of three hundred and fifty seven and seventy-five one hundredths feet (357 75/100') to a point in the north limit of Trethewey Drive;

Thence North eighty-three degrees forty-five minutes West (N. 83°-45' W.) and along the said North limit of Trethewey Drive a distance of one thousand two hundred and ten feet (1210') more or less to the west limit of a street allowance running northerly from Trethewey Drive;

Thence North six degrees fifteen minutes East (N. 6° 15' E.) a distance of two hundred and thirty-six feet (236') more or less to the south limit of a street allowance;

Thence North eighty-three degrees forty-five minutes West (N. 83°-45' W.) and along the south limit of a street allowance a distance of two hundred and forty-five feet (245') more or less to an angle in the same;

Thence South eighty degrees eighteen minutes thirty seconds West (S. 80° 18' 30" W.) and along the South limit of a street allowance one hundred and forty-five feet (145') more or less to a point in the southerly production of the west limit of the said plan of subdivision;

Thence North nine degrees forty-one minutes thirty seconds West (N. 9° 41' 30" W.) and along the West limit of the said proposed plan of subdivision a distance of one hundred and seventy-five and six-tenths feet (175 6/10') to an angle;

Thence North eighty degrees eighteen minutes thirty seconds East (N. 80° 18' 30" E.) a distance of ten and ninety-six one hundredths feet (10 96/100'); and

Thence North nine degrees forty-four minutes West (N. 9° 44' W.) a distance of three hundred and sixty-three and two tenths feet (363 2/10') more or less to the point of commencement.

and

(b) To supply water for manufacturing and domestic drinking purposes only to the lands which are now or may hereafter be developed for manufacturing purposes lying on either side of Industry Street in North York in an Area designated herein as Area "B" and which may be described as follows:

"B"

ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being in the Township of North York in the County of York and Province of Ontario and being composed of parts of Township Lots 3 and 4 in the Fourth Concession West of Yonge Street which said parcel may be more particularly described as follows:

Commencing at the point of intersection of the South limit of the said Lot 3 with the Northeast limit of the right-of-way of the Canadian Pacific Railway Co.;

Thence Northwesterly along the Northeast limit of the right-of-way of the Canadian Pacific Railway Co. a distance of one thousand three hundred and fifty-eight feet six inches (1358' 6") more or less to the point of intersection with the West limit of the said Lot 3 being the East limit of Jane Street;

Thence Northerly along the West limit of the said Lot 3 a distance of four hundred and fifty feet (450'); and

Thence North thirty-four degrees twenty-one minutes East (N. 34°-21' E.) a distance of four hundred and sixty-four feet four and three-quarter inches (464' 4 3/4") to a point in the Southwest limit of Industry Street;

Thence Easterly to the point of intersection of the Northeast limit of Industry Street with the South limit of Trethewey Drive;

Thence South eighty-three degrees forty-five minutes East (S. 83°-45' E.) and along the South limit of Trethewey Drive a distance of Two

thousand five hundred and fifty feet (2550') more or less to a point of curvature;

Thence Southerly in a straight line a distance of five hundred and forty-nine feet (549') to a point distant five hundred feet (500') measured northerly from and at right angles to the South limit of the said Lot 3 drawn from a point measured one thousand two hundred feet (1200') westerly in the South limit of the said Lot 3 from its intersection with the Southwest limit of Trethewey Drive;

Thence Southerly at right angles to the South limit of the said Lot 3 a distance of five hundred feet (500') to a point in the South limit of the said Lot 3 distant one thousand two hundred feet (1200') measured Westerly therein from the Southwest limit of Trethewey Drive;

Thence Westerly along the South limit of the said Township Lot 3, a distance of one thousand five hundred and forty-five feet two inches (1545' 2") more or less to the point of commencement;

2. The supply of water shall be taken by North York from the York Waterworks distribution system through the 12-inch watermain on Industry Street at or near the boundary of North York at a point to be determined by the Commissioner of Works for York.

3. The supply of water shall be metered at the said point, and North York shall provide and pay for such meter and the installation of same. North York at its own expense shall maintain and keep in repair the said meter and the recorder, recorder house, meter house, meter chambers, drains and all other appurtenances connected therewith. North York shall during the winter months at its own expense continuously heat such recorder or meter house as directed by and in a manner satisfactory to the Commissioner of Works for York.

4. North York shall pay to York at the rate of 20 cents per 1000 imperial gallons, payable quarterly for the water supplied, and the amount charged for the water shall be paid forthwith upon receipt from York of an account therefor. The price now paid by York for water purchased from the City of Toronto is a net price of 16 cents per thousand imperial gallons. It is agreed that should this price at any time hereafter be increased or decreased that the price charged by York to North York for its supply of water hereunder shall be increased or decreased at the same rate per thousand imperial gallons so that York shall at all times receive as compensation for the use of its mains and all services hereunder a rate of four cents per thousand imperial gallons more than is paid by York to the City of Toronto.

5. North York shall pay to York for such supply of water so metered in accordance with the quantity which the meter shall record; provided, that should the meter for any reason fail to record accurately or fail to record at all, the consumption is to be averaged and paid for by North York for such period of failure on the basis of the consumption for the three months preceding such failure, or the three months succeeding the time when such meter has been placed in proper and efficient working order as the Commissioner of Works for York shall determine.

6. The watermains, specials, hydrants, valves, meters and other appliances and appurtenances installed on the North York distribution system in the hereinbefore defined areas shall be in conformity with the standards of the City of Toronto, and North York shall before installing any distribution mains in the said areas submit the plans and specifications therefor to and receive the approval of the same by the Commissioner of Works for York: North York shall further notify the said Commissioner of Works whenever it finds it necessary to alter the grade of a street in the said areas in such manner that the watermain as laid will have a coverage of less than five feet six inches (5' 6").

7. It is agreed that York shall incur no expense or liability whatsoever in connection with the installation, repair, or maintenance of any part

of the waterworks distribution system of North York within the said areas.

8. North York hereby agrees to accept the water to be supplied under this agreement in such quantities and at such pressures and rates of flow and having such quality and content as may be provided by York. York reserves the right at any time and from time to time in its discretion to manipulate valves or anything connected with the water supply within the limits of the Township of York for its own better use or protection. In the event that the supply of water to North York shall for any reason be diminished, interrupted or cut off York shall be under no liability or obligation to North York for or by reason thereof; and North York hereby agrees to indemnify and save harmless York from any and all claims, actions, suits and demands whatsoever or howsoever arising out of or by reason of any failure or diminution in the supply of water, or the pressure at which water is supplied or by reason of the quality or content of the water or from any other cause whatsoever.

9. North York hereby covenants and agrees with York that it will upon receipt of a request in writing from the Commissioner of Works for York proceed as rapidly as possible thereafter with the construction of water storage facilities to be connected with the water distribution system within the said defined areas for the purpose of assisting in meeting the demands for the supply of water at peak periods; such storage facilities to be constructed at the expense of North York and in accordance with plans and specifications approved by the Commissioner of Works for York.

10. North York hereby covenants and agrees with York that it will not suffer or permit any of the supply of water obtained under the provisions of this agreement to be used for any purpose other than to serve lands and premises within the hereinbefore described areas; and that all water so supplied save that used for fire protection or other municipal purposes shall be sold and distributed by North York to its consumers in the areas on a basis of measurement by meter on each service.

11. North York hereby covenants and agrees with York that it will not suffer or permit any person, firm or corporation owning or occupying any land or building in the portions of North York designated herein as Area "B" to use water supplied under this agreement for fire protection purposes or for charging or supplying sprinkler systems in its plants or buildings or for any other purpose not authorized under the terms of Paragraph 1 (b) of this agreement and North York hereby covenants to indemnify York from and against all loss costs damages claims suits and actions which may arise or be made by reason or arising out of the use of water for any purpose not authorized under the terms of this agreement.

12. In the event of any differences arising between the Parties hereto which cannot be settled by mutual agreement then the same shall be referred to the Ontario Municipal Board as arbitrator and the decision of the said Board on any such application shall be final and not subject to appeal.

13. In the event of default by North York in any of the provisions covenants and agreements contained herein, and in the event that North York shall fail to remedy any such default within thirty days after receiving written notice thereof from York, then North York shall cease to have any further rights to a supply of water under the provisions of this agreement.

14. North York hereby agrees to use its best endeavours to have this agreement ratified and confirmed by legislation at the 1946 Session of the Legislature of the Province of Ontario.

IN WITNESS WHEREOF the Parties hereto have hereunto set their Corporate Seals, attested by the hands of their proper officers on that behalf on the day and year first above written.

THE CORPORATION OF THE TOWNSHIP
OF YORK

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

THE CORPORATION OF THE TOWNSHIP
OF NORTH YORK

GEO. H. MITCHELL,
Reeve.

F. H. BROWN,
Acting Clerk.

SCHEDULE C

COMMENCING at a point in the Easterly boundary of the Corporation of the City of Toronto where the same is intersected by the North limit of Township Lot Number 6, Concession 1, East of Yonge Street, Township of North York; thence in an Easterly direction along the North limit of Block A, Plan 2385, to a point in the West bank of the Don River, which point is the North-easterly angle of Lot 183, Plan 1858; thence in a Southerly direction along the Easterly limits of Lot 183, Plan 1858 and Lots 47 and 48 and Block B, Plan 2335, to the point of the intersection of the Westerly limit of Bayview Avenue with the Don River; thence in a Southerly direction along the Westerly limit of Bayview Avenue to the South limit of Township School Area Number 1 (which is the Northerly limit of Township Lot Number 5, Concession 1, East of Yonge Street); thence westerly along the South limit of Township School Area Number 1 to a point in the Northerly limit of Lawrence Avenue where the same is intersected by the Easterly boundary of the Corporation of the City of Toronto; thence northerly along the said Easterly boundary of the said City to the place of beginning.

BILL

An Act respecting the Township
of North York.

1st Reading

March 19th, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. MACKENZIE

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Leamington.

MR. MURDOCH

(PRIVATE BILL)

BILL

An Act respecting the Town of Leamington.

WHEREAS the Corporation of the Town of Leamington **Preamble.** has by its petition represented that by an agreement between The Corporation of the Town of Leamington, The Corporation of the Township of Mersea, Branch 84 of the Canadian Legion of the British Empire Service League and the Trustees for said Branch 84 of the Canadian Legion, it was provided that the Legion should on lands owned by it adjoining Memorial Park in the Town of Leamington, proceed with the erection of a building to be a Memorial in commemoration of persons who served on active service in the armed forces of His Majesty; that to erect a building of suitable size and in the most desirable location, it is desirable that part of the Memorial Park be conveyed to the Legion and for that purpose a supplemental Agreement between the said parties was made; and whereas the Corporation has by its petition prayed for special legislation to validate the agreements and to authorize a conveyance to be made by the Corporation in implementation of the second mentioned agreement; and whereas the Corporation of the Town of Leamington has also by its petition represented that by an Order in Council bearing date the 19th day of September, 1889, the Village of Leamington was erected into a town and the boundaries of the Town were therein described, but there was an error in the description in the omission of one bearing and that the description is otherwise unsatisfactory and indefinite and further that certain lands subsequently annexed to the Town are not accurately or sufficiently described in an order of the Ontario Municipal Board annexing the same, and that other lands have subsequently been annexed to the Town and it is desirable that the boundaries of the Town be fixed and defined and the Corporation has by its petition prayed for special Legislation therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Memorial
building
agreements
validated.

1. The agreement dated the 31st day of July, 1944, made between The Corporation of the Town of Leamington, The Corporation of the Township of Mersea, Branch 84 of the Canadian Legion of the British Empire Service League and the Trustees for the said Legion, set out as schedule A hereto, and the agreement dated the 31st day of October, 1945, made between the said parties, set out as schedule B hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Leamington, and the Corporation of the Township of Mersea, and their ratepayers, and the other parties thereto, and the Corporation of the Town of Leamington is hereby empowered and authorized to carry out its obligations thereunder, including the execution and delivery of a conveyance of lands now included in a public park known as Memorial Park, as provided in the agreement set out as schedule B hereto.

Town
boundaries
defined.

2. The Town of Leamington shall comprise and include the lands described or intended to be described in an Order in Council dated the 21st day of September, 1889, by which the Village of Leamington was erected into a Town; the lands annexed to the Corporation of the Town of Leamington by an order of the Ontario Municipal Board dated the 19th day of December, 1933, and the lands annexed to the Corporation of the Town of Leamington by Order of the Ontario Municipal Board dated the 29th day of January, 1946; and in order to remove doubts it is hereby declared that the boundaries of the Town of Leamington shall be as follows:

Commencing at a point in the Water's edge of Lake Erie in the south part of Lot No. 7, Broken Front Concession, formerly in the Township of Mersea, distant six hundred and sixty feet (660') measured easterly at right angles from the southerly production of the easterly limit of Erie Street (sideroad between Farm Lots 6 and 7); thence northerly, parallel with the said easterly limit of Erie Street and distant six hundred and sixty feet (660') measured easterly at right angles therefrom, six thousand and ninety-nine feet (6,099') more or less to a point distant six hundred and ninety-three feet (693') measured southerly from the southerly limit of Oak Street (Second Concession Road) on a line parallel with and distant six hundred and sixty feet (660') measured easterly at right angles from the said easterly limit of Erie Street; thence easterly, parallel with the said southerly limit of Oak Street, one hundred and eighty-five feet (185') more or less to the southwesterly limit of the right-of-way of the Leamington and St. Clair Branch of the Michigan Central Railway Company; thence northwesterly, following the last mentioned limit, two hundred and eighty feet (280') more or less to a point distant six hundred and

sixty feet (660') measured easterly at right angles from the said easterly limit of Erie Street; thence northerly, parallel with the last mentioned limit, five hundred and fifty-six feet (556') more or less to the northerly limit of Oak Street; thence easterly, following the last mentioned limit, fourteen hundred and ninety-nine feet (1,499') more or less to the westerly limit of Farm Lot No. 242, south of the Talbot Road in the Township of Mersea; thence northerly, following the last mentioned limit, thirty-one hundred and thirty-six feet (3,136') more or less to the southerly limit of the said Talbot Road; thence southwesterly, along the last mentioned limit, five hundred and forty-seven feet (547') to a point distant seventeen hundred and sixty-three feet six inches (1,763' 6") measured easterly in that limit from the said easterly limit of Erie Street; thence northerly, parallel with the last mentioned limit and parallel with the dividing line between Farm Lots 243 and 244, N.T.R., sixteen hundred and forty feet (1,640') more or less to the easterly production of the southerly limit of Wilkinson Drive (Third Concession Road); thence westerly, following the said easterly production of the southerly limit of Wilkinson Drive, eleven hundred and eighty-eight feet (1,188'); thence northerly parallel with the aforesaid dividing line between Farm Lots 243 and 244 and parallel with the sideroad known as Leamington Sideroad, thirteen hundred and eighty-six feet (1,386'); thence westerly, parallel with the said easterly production of the southerly limit of Wilkinson Drive, and continuing westerly parallel with the said southerly limit of Wilkinson Drive, fourteen hundred and twenty-two feet (1,422'); thence southerly, parallel with the limit between Farm Lots 5 and 6 in the Third Concession, six hundred and forty-one feet six inches (641' 6"); thence westerly, parallel with the northerly limit of Wilkinson Drive, fifteen hundred and thirty-one feet (1,531'); thence southerly, parallel with the Leamington and St. Clair Branch of the Michigan Central Railway right-of-way and the limit between Farm Lots 5 and 6, twenty-seven hundred and eighty-six feet (2,786') more or less to a point distant ten hundred and eighty-five feet (1,085') measured northerly in the last described course from the northerly limit of Talbot Street; thence westerly, parallel with the last mentioned limit, twenty feet (20') more or less, to a stake; thence southerly, parallel with the said limit between Farm Lots 5 and 6, five hundred and ninety feet (590') to a stake; thence westerly, parallel with the said northerly limit of Talbot Street, sixteen hundred and sixty-two feet (1,662') more or less to the limit between Farm Lots 4 and 5 in the Second Concession; thence southerly, following the last mentioned limit, five hundred and

sixty-five feet eight inches (565' 8") to the southerly limit of Talbot Street; thence south seventy-one degrees fifty minutes west (S. 71° 50' W.) following the said southerly limit of Talbot Street, two hundred and sixty-three feet ten inches (263' 10"); thence south nine degrees fifty-seven minutes east (S. 9° 57' E.) a distance of one hundred and twenty feet (120') to a point in the northerly limit of Lot 19 according to said Registered Plan No. 1453; thence south seventy-one degrees fifty minutes west (S. 71° 50' W.) along the said northerly limit of Lot 19 a distance of one hundred feet (100') to the westerly limit of said Registered Plan No. 1453; thence south No degrees thirteen minutes east (S. 0° 13' E.) following the last mentioned limit, two hundred and ninety-two feet ten inches (292' 10") to an angle in the westerly limit of said Registered Plan; thence south nine degrees fifty-seven minutes east (S. 9° 57' E.) continuing along the westerly limit of said Registered Plan, two hundred and fifty-one feet (251') more or less to the northerly limit of Oak Street; thence easterly, following the last mentioned limit, twenty-nine hundred and ninety-one feet (2,991') more or less to the northerly production of the westerly limit of Registered Plan No. 751; thence southerly, to and along the last mentioned limit, thirteen hundred and thirty-five feet (1,335') more or less to the southerly limit of Reserve "A" shown on said Registered Plan; thence easterly, following the last mentioned limit, one hundred and fifty-eight feet six inches (158' 6") to the southerly production of the westerly limit of Chestnut Street, as shown on said Registered Plan No. 751; thence northerly, to and along the westerly limit of Chestnut Street, eight hundred and seventy-five feet (875') more or less to the northerly limit of said Registered Plan No. 751; thence easterly, following the last mentioned limit, sixty-six feet (66') to the easterly limit of Chestnut Street as shown on said Registered Plan No. 751; thence southerly, following the last mentioned limit, one hundred and two feet (102') to the northerly limit of Arthur Avenue as shown on said Registered Plan No. 751; thence easterly, following the last mentioned limit, three hundred and fifty-eight feet six inches (358' 6") more or less to the westerly limit of Registered Plan No. 651, distant six hundred and sixty feet (660') measured westerly at right angles from the westerly limit of Erie Street; thence southerly parallel with the last mentioned limit, forty-one hundred and six feet (4,106') more or less to the southerly limit of the First Concession Road (now King's Highway No. 18); thence north eighty-seven degrees thirty-one minutes west (N. 87° 31' W.) following the said southerly limit of the First Concession Road, four hundred and three feet (403') more or less

to a stone monument; thence south three degrees three minutes west (S. $3^{\circ} 3' W.$) four hundred and eighty feet (480') to a stone monument; thence north eighty-six degrees eighty-seven minutes west (N. $86^{\circ} 87' W.$) one hundred and forty-nine feet (149') to a stone monument; thence south three degrees three minutes west (S. $3^{\circ} 3' W.$) seven hundred and ninety feet (790') more or less to the water's edge of Lake Erie; thence southeasterly, and following the water's edge of Lake Erie, twenty-one hundred and five feet (2,105') more or less to the place of beginning.

3. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

4. This Act may be cited as *The Town of Leamington Act*, Short Title. 1946.

SCHEDULE A

THIS INDENTURE made (in triplicate) the thirty-first day of July, 1944.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF MERSEA,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH
EMPIRE SERVICE LEAGUE, hereinafter called the "Le-
gion",

OF THE THIRD PART,

—and—

ANDREW CROZIER, of the Town of Leamington, in the
County of Essex, Foreman, JOHN LEONARD ESSON, of
the same place, Tinsmith, CHARLES A. POORE, of the
same place, Post Master, ROBERT W. PENFOLD, of the
same place, Inspector, and CHARLES ARNOLD HENDER-
SON, of the same place, Janitor, Trustees for Branch 84
of The Canadian Legion of the British Empire Service
League, hereinafter called the "Trustees",

OF THE FOURTH PART.

WHEREAS the Parties of the Fourth Part as Trustees for Leamington Branch Number 84 of the Canadian Legion of the British Empire Service League, now own the west one-half of Lot Number Six (6) on the north side of Mill Street in the Town of Leamington, in the County of Essex, according to registered Plan Number 170, on the north Thirty-two feet (32') of which parcel is erected a small frame club house building, the residue of the lands available at this time for building purposes comprising a parcel Forty-one feet and Three inches (41' 3") more or less in width from east to west and One Hundred feet (100') in length from north to south.

AND WHEREAS the Town did provide in its estimates for the current year the sum of \$20,000.00 for granting aid for the erection and maintenance of a building to be a memorial in commemoration of the persons who served on active service in the Armed Forces of His Majesty during the first Great War and the present War to be established and equipped as a memorial hall, club house and community hall.

AND WHEREAS the Township (of the Second Part) did provide in its estimates for the current year the sum of \$10,000.00 for a similar purpose.

AND WHEREAS it is deemed advisable that the said Town and Township should enter into an Agreement between themselves and with the Legion (of the Third Part) and the Trustees (of the Fourth Part, for carrying out the purposes of the said grants.

AND WHEREAS the lands above mentioned as available for such purpose are a suitable site for such memorial hall, club house and community hall.

AND WHEREAS the Legion (of the Third Part) embraces in its membership persons who have seen active service with the armed forces of His Majesty, and is a suitable body to undertake the erection, ownership, management and maintenance hereafter of the said building.

NOW THIS AGREEMENT WITNESSETH that, in consideration of the premises, the parties hereto mutually covenant and agree as follows:

1. The Legion will forthwith proceed to obtain plans and specifications for a building approximately Forty-one feet (41') by One Hundred feet (100') in size, to have an auditorium on the main floor with seating capacity of not less than 500 persons and suitable club rooms and other facilities to cost in excess of \$30,000.00 (and of an estimated cost of \$50,000.00) such plans to be made by a qualified architect practising in Ontario.

2. When the said plans and specifications have been completed and approved by the Legion at a meeting regularly called for such purpose, a copy of the same shall be filed with the Clerk of the said Town and a copy with the Clerk of the said Township.

3. The sum of \$20,000.00 provided by the said Town and the sum of \$10,000.00 provided by the said Township will be advanced to aid in the erection of such building, to be a memorial in commemoration of the persons who served on active service in the Armed Forces of His Majesty during the first Great War and the present War, to be established and equipped as a memorial hall, club house and community hall, the said moneys being advanced to the Legion, of the Third Part (and the Trustees, of the Fourth Part, in trust for the Legion, of the Third Part) for the purposes aforesaid.

4. The Legion shall thereupon or in any event within one year after the cessation of hostilities in the present War make all necessary applications for building permits or other permits that may be required and in compliance with all statutory and other requirements will proceed with the erection of a building for the purposes aforesaid, according to the plans and specifications so filed; and will carry the same to completion as expeditiously as practicable, and after completion will thereafter maintain the same as a memorial hall, club house and community hall without further liability on the part of the Town or Township.

5. The Legion shall furnish and equip the said building in a proper manner and without restricting the generality of the foregoing, this shall include installing seats in the auditorium to seat at least 500 people, which shall be removable, and shall equip a kitchen and dining room and club rooms.

6. Nothing herein contained will be construed to prevent the Legion from raising additional funds by private or other subscriptions, or providing additional funds otherwise for the said purposes; and if any Provincial or Dominion grant be made towards the cost of such building, the same shall be in addition to the sums provided by the Town and Township as above set forth.

7. The auditorium in the said building shall be made available for rental by service clubs, lodges, charitable, educational, religious, social and other worthy local organizations, in the said Town and Township at least four days in each week, the Legion providing janitor's service, heat, light and keeping premises in fit and safe repair, rental to be charged to be in accordance with a schedule of rates to be submitted to and approved by the Legion at a special meeting duly called for such purpose, and such schedule to be filed in the office of the Clerk of the Town and Township; any amendment to the said schedule shall be made at a meeting similarly called and such schedule shall be filed as above.

8. The Legion shall maintain the building and furnishings in a proper state of repair at all times and shall employ a janitor to keep the building clean and sanitary.

9. Provided that if the Legion, of the Third Part, by its Trustees (or otherwise, in accordance with its constitution) shall acquire other lands adjacent to the lands above described, the location of the said hall may be altered, provided that it fronts for its greatest length on Memorial Park with access from the Park to the Hall and the said building may be

of greater size than the proposed size of Forty-one feet by One Hundred feet set forth in paragraph 1 hereof (to provide a larger auditorium), if available funds warrant such increase in size.

10. This Agreement is subject to the approval of the Department of Municipal Affairs of the Province of Ontario at Toronto, and if any amendment in the terms is required by the Department, the same shall be submitted by the Town and the Township to the Parties of the Third Part and Fourth Part for amendment accordingly.

11. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals and hands and seals respectively.

SEALED AND DELIVERED AND COUNTERSIGNED by the Mayor and Clerk of THE CORPORATION OF THE TOWN OF LEAMINGTON.

THE CORPORATION OF THE TOWN OF LEAMINGTON.

PHILIP FADER,
Mayor.

(Seal)

W. E. SELKIRK,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the Reeve and Clerk of THE CORPORATION OF THE TOWNSHIP OF MERSEA.

THE CORPORATION OF THE TOWNSHIP OF MERSEA.

JAMES ARMSTRONG,
Reeve.

(Seal)

REX E. IMESON,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the President and Secretary of BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE LEAGUE.

BRANCH 84 OF THE CANADIAN LEGION OF THE
BRITISH EMPIRE SERVICE LEAGUE.

GEO. P. CLARKE,
President.

(Seal)

FRANK E. TAYLOR,
Secretary.

SIGNED, SEALED AND DELIVERED	}	ANDREW CROZIER.	(Seal)
in the presence of		JOHN L. ESSON.	(Seal)
J. R. MORRIS.		C. A. POORE.	(Seal)
		C. A. HENDERSON.	(Seal)
		R. W. PENFOLD.	(Seal)

APPROVED
DEPT. OF MUNICIPAL AFFAIRS
J. P. COOMBE
Supervisor
Sept. 11, 1944.

SCHEDULE B

THIS INDENTURE made in triplicate the 31st day of October, 1945.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF MERSEA,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH
EMPIRE SERVICE LEAGUE, hereinafter called the "Legion",

OF THE THIRD PART,

—and—

ANDREW CROZIER, of the Town of Leamington, in the County of Essex, Foreman, JOHN LEONARD ESSON, of the same place, Tinsmith, CHARLES A. POORE, of the same place, Post Master, ROBERT W. PENFOLD, of the same place, Inspector, and CHARLES ARNOLD HENDERSON, of the same place, Janitor, Trustees for Branch 84 of The Canadian Legion of the British Empire Service League, hereinafter called the "Trustees",

OF THE FOURTH PART.

WHEREAS the Parties of the Fourth Part, as Trustees for Leamington Branch Number 84 of The Canadian Legion of the British Empire Service League, now own the west one-half of Lot Number Six (6) on the north side of Mill Street in the Town of Leamington, in the County of Essex, according to Registered Plan Number 170, being a parcel with frontage 41 feet 3 inches more or less on Mill Street and extending north a distance of 132 feet, and also Lot Number Three (3) on the south side of Orange Street according to said Registered Plan Number 170, being a parcel with frontage 82 feet 6 inches more or less on Orange Street and extending south a distance of 132 feet, to Lot Number 6 north of Mill Street above mentioned, and the westerly limit of the said Two parcels being a straight line 264 feet in all and fronting on Memorial Park, a public park owned by the Corporation of the Town of Leamington.

AND WHEREAS a small frame club house building, formerly erected on the north 32 feet of Lot Number 6 north of Mill Street, above mentioned, has been moved to the east half of Lot Number 3, south of Orange Street, and which leaves the west halves of said Lots Numbers 3 and 6 free of any building or other obstruction.

AND WHEREAS by an Agreement dated the 31st day of July, 1944, and made between the parties hereto, and which Agreement was duly authorized by By-laws of the Corporation of the Town of Leamington and the Corporation of the Township of Mersea, and was approved by the Department of Municipal Affairs, it was provided, *inter alia*, that the Legion would proceed to obtain plans and specifications for a building approximately 41 feet by 100 feet in size to have an auditorium on the main floor with a seating capacity of not less than 500 persons and suitable club rooms and other facilities, to cost in excess of \$30,000.00, and of an estimated cost of \$50,000.00, such plans to be made by a qualified architect practising in Ontario; that the sum of \$20,000.00 provided by the said Town and the sum of \$10,000.00 provided by the said Township, should be advanced to aid in the erection of such building, to be a memorial in commemoration of the persons who served on active service in the Armed

Forces of His Majesty during the two Great Wars, to be established and equipped as a Memorial Hall, club house and community hall, said moneys being advanced to the said Legion and the Trustees for the said Legion for the purposes aforesaid, and that the Legion should within one year after the cessation of hostilities, make all necessary applications for building permits or other permits that may be required and proceed with the erection of the building for the purposes aforesaid according to the said plans and specifications.

AND WHEREAS it appears that the said Hall may have to be of a greater width from east to west than 41 feet to provide the accommodation that is desired, and it is desirable that the said building should be erected in a central location facing on Memorial Park and it is desirable that additional lands be acquired for such purpose.

AND WHEREAS the lands now comprised in Memorial Park were formerly owned by Trustees for the Leamington Branch of the Great War Veterans Association of Canada, and for its Ladies' Auxiliary, the said Association being an organization of men who served on active service in the First Great War, and which Association having been succeeded by the Canadian Legion of the British Empire Service League as the active organization for Veterans of the said Great War and the said Association having ceased to exist as an active organization, the said lands were in the year 1929 conveyed by the Trustees for said Association and its Ladies Auxiliary and by Branch 84 of the Canadian Legion of the British Empire Service League and its Trustees, to the Corporation of the Town of Leamington, for a park to be a memorial to men and women who had seen active service in the first Great War.

AND WHEREAS the additional lands required by the Legion for the erection of the aforesaid Memorial Hall, club house and community hall, comprise the east 20 feet of the middle 164 feet of the said Memorial Park, as hereinafter more particularly described.

AND WHEREAS certain of the lands now owned by the Legion and the Trustees for the said Legion are not now required for purposes of the said Legion or for building purposes and will make a satisfactory and desirable addition to the said Memorial Park and it has been deemed advisable to arrange for an exchange of lands.

AND WHEREAS it was provided in the aforesaid Agreement dated July 31st, 1944, that if the Legion by its Trustees or otherwise should acquire other lands adjacent to the west half of Lot 6, north of Mill Street, according to Registered Plan 170, that the location of the said hall might be altered, provided that it should front on its greater length on Memorial Park and that it might be a greater size than the size of 41 feet by 100 feet therein set forth.

AND WHEREAS hostilities in the recent war have now ceased, and it is desirable that the matters in the aforesaid Agreement provided should be proceeded with as expeditiously as possible.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises, the Parties hereto mutually covenant and agree as follows:

1. The Trustees of the Fourth Part and the Legion of the Third Part will convey to the Town of the First Part for park purposes, and as an addition to its Memorial Park, lands described as follows: (Firstly) The West Thirty-five feet (35') of the North Fifty feet (50') of Lot Number Three (3) on the south side of Orange Street according to Registered Plan Number 170; and (Secondly) the south Fifty feet (50') of the west one-half of Lot Number Six (6) on the north side of Mill Street, according to said Registered Plan Number 170, subject however to and reserving unto the said Trustees of the Fourth Part and the said Legion of the Third Part, and their respective successors and assigns, an easement over the east Sixteen feet (16') and Three inches (3") of the said parcel secondly described, for the purpose of laying down and constructing sewers and drains and pipes for water and gas and conduits for wires of all kinds, in, under

and upon the said lands, and of keeping and maintaining the same at all times in good condition and repair and for such purpose the right of access to the said lands at all times by the said Trustees of the Fourth Part and the Legion of the Third Part, and their respective successors, assigns, servants, employees and workmen, and also a right of way for persons, animals and vehicles over, along and upon the said east Sixteen feet (16') and Three inches (3") of the parcel secondly above described.

2. The Town of the First Part shall convey to the Trustees of the Fourth Part, and their successors, as Trustees of the Legion of the Third Part, a strip of land Twenty feet (20') in width from east to west, and One Hundred and sixty-four feet (164') in length from north to south, which may be otherwise described as the east Twenty feet (20') of the north Eighty-two feet (82') of Lot Number Five (5) on the north side of Mill Street, according to Registered Plan Number 170, and the east Twenty feet (20') of the south Eighty-two feet (82') of Lot Number Two (2) on the south side of Orange Street, according to said Registered Plan Number 170, and shall do all things necessary or proper to make the said conveyance valid and effective, including and Without restricting the generality of the foregoing, an application to the Department of Municipal Affairs for its approval; and shall apply for validating Legislation authorizing such conveyance.

3. The said conveyance by the Trustees and the Legion to the Town shall be delivered contemporaneously with the delivery of such conveyance by the Town to the Trustees, on or before the 31st day of March, 1946, if validating legislation has been obtained at that time and otherwise as soon as such Legislation has been obtained.

4. The lands so conveyed or to be conveyed by the Trustees and the Legion to the Town shall be so conveyed as an addition to Memorial Park and shall be thereafter maintained by the Town as part of the said public park.

5. The Township of the Second Part does hereby approve of this Agreement.

6. The Agreement dated the 31st day of July, 1944, shall be amended to the extent necessary to fully effectuate these presents and otherwise shall remain in full force and effect.

IN WITNESS WHEREOF the Parties hereto have hereunto set their Corporate seals and hands and seals respectively.

SEALED AND DELIVERED AND COUNTERSIGNED by the Mayor and Clerk of THE CORPORATION OF THE TOWN OF LEAMINGTON.

THE CORPORATION OF THE TOWN OF LEAMINGTON.

PHILIP FADER, *Mayor.*

(Corporate Seal)

W. E. SELKIRK, *Clerk.*

SEALED AND DELIVERED AND COUNTERSIGNED by the Reeve and Clerk of THE CORPORATION OF THE TOWNSHIP OF MERSEA.

THE CORPORATION OF THE TOWNSHIP OF MERSEA.

JAMES ARMSTRONG, *Reeve.*

(Corporate Seal)

REX E. IMESON, *Clerk.*

SEALED AND DELIVERED AND COUNTERSIGNED by the President and
Secretary of BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH EMPIRE
SERVICE LEAGUE.

BRANCH 84 OF THE CANADIAN LEGION OF THE
BRITISH EMPIRE SERVICE LEAGUE.

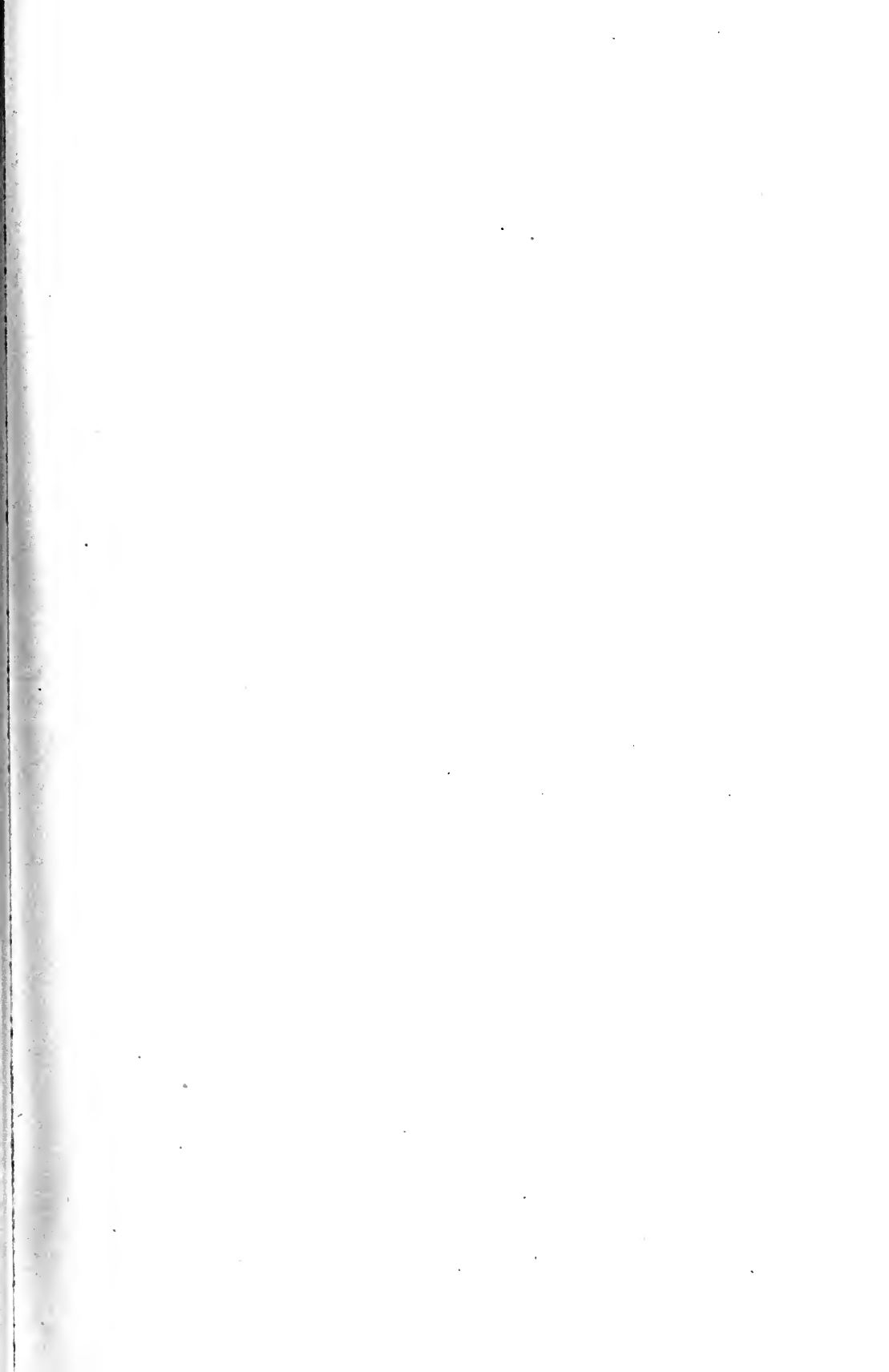
J. R. MORRIS,
President.

(Corporate Seal)

F. E. TAYLOR,
Secretary.

SIGNED, SEALED AND DELIVERED in the presence of J. R. MORRIS	}	C. A. POORE.	(Seal)
		R. W. PENFOLD.	(Seal)
		CHARLES A. HENDERSON.	(Seal)
		J. L. ESSON.	(Seal)
		A. CROZIER.	(Seal)

APPROVED
DEPT. OF MUNICIPAL AFFAIRS
J. P. COOMBE
Dec. 28, 1945



BILL

An Act respecting the Town of
Leamington

1st Reading

2nd Reading

3rd Reading

MR. MURDOCH

(*Private Bill*)

No. 13

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Leamington.

MR. MURDOCH

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Town of Leamington.

WHEREAS the Corporation of the Town of Leamington Preamble. has by its petition represented that by an agreement between The Corporation of the Town of Leamington, The Corporation of the Township of Mersea, Branch 84 of the Canadian Legion of the British Empire Service League and the Trustees for said Branch 84 of the Canadian Legion, it was provided that the Legion should on lands owned by it adjoining Memorial Park in the Town of Leamington, proceed with the erection of a building to be a Memorial in commemoration of persons who served on active service in the armed forces of His Majesty; that to erect a building of suitable size and in the most desirable location, it is desirable that part of the Memorial Park be conveyed to the Legion and for that purpose a supplemental Agreement between the said parties was made; and whereas the Corporation has by its petition prayed for special legislation to validate the agreements and to authorize a conveyance to be made by the Corporation in implementation of the second mentioned agreement; and whereas the Corporation of the Town of Leamington has also by its petition represented that by an Order in Council bearing date the 19th day of September, 1889, the Village of Leamington was erected into a town and the boundaries of the Town were therein described, but there was an error in the description in the omission of one bearing and that the description is otherwise unsatisfactory and indefinite and further that certain lands subsequently annexed to the Town are not accurately or sufficiently described in an order of the Ontario Municipal Board annexing the same, and that other lands have subsequently been annexed to the Town and it is desirable that the boundaries of the Town be fixed and defined and the Corporation has by its petition prayed for special Legislation therefor; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Memorial
building
agreements
validated.

1. The agreement dated the 31st day of July, 1944, made between The Corporation of the Town of Leamington, The Corporation of the Township of Mersea, Branch 84 of the Canadian Legion of the British Empire Service League and the Trustees for the said Legion, set out as schedule A hereto, and the agreement dated the 31st day of October, 1945, made between the said parties, set out as schedule B hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the Corporation of the Town of Leamington, and the Corporation of the Township of Mersea, and their ratepayers, and the other parties thereto, and the Corporation of the Town of Leamington is hereby empowered and authorized to carry out its obligations thereunder, including the execution and delivery of a conveyance of lands now included in a public park known as Memorial Park, as provided in the agreement set out as schedule B hereto.

Town
boundaries
defined.

2. The Town of Leamington shall comprise and include the lands described or intended to be described in an Order in Council dated the 21st day of September, 1889, by which the Village of Leamington was erected into a Town; the lands annexed to the Corporation of the Town of Leamington by an order of the Ontario Municipal Board dated the 19th day of December, 1933, and the lands annexed to the Corporation of the Town of Leamington by Order of the Ontario Municipal Board dated the 29th day of January, 1946; and in order to remove doubts it is hereby declared that the boundaries of the Town of Leamington shall be as follows:

Commencing at a point in the Water's edge of Lake Erie in the south part of Lot No. 7, Broken Front Concession, formerly in the Township of Mersea, distant six hundred and sixty feet (660') measured easterly at right angles from the southerly production of the easterly limit of Erie Street (sideroad between Farm Lots 6 and 7); thence northerly, parallel with the said easterly limit of Erie Street and distant six hundred and sixty feet (660') measured easterly at right angles therefrom, six thousand and ninety-nine feet (6,099') more or less to a point distant six hundred and ninety-three feet (693') measured southerly from the southerly limit of Oak Street (Second Concession Road) on a line parallel with and distant six hundred and sixty feet (660') measured easterly at right angles from the said easterly limit of Erie Street; thence easterly, parallel with the said southerly limit of Oak Street, one hundred and eighty-five feet (185') more or less to the southwesterly limit of the right-of-way of the Leamington and St. Clair Branch of the Michigan Central Railway Company; thence northwesterly, following the last mentioned limit, two hundred and eighty feet (280') more or less to a point distant six hundred and

sixty feet (660') measured easterly at right angles from the said easterly limit of Erie Street; thence northerly, parallel with the last mentioned limit, five hundred and fifty-six feet (556') more or less to the northerly limit of Oak Street; thence easterly, following the last mentioned limit, fourteen hundred and ninety-nine feet (1,499') more or less to the westerly limit of Farm Lot No. 242, south of the Talbot Road in the Township of Mersea; thence northerly, following the last mentioned limit, thirty-one hundred and thirty-six feet (3,136') more or less to the southerly limit of the said Talbot Road; thence southwesterly, along the last mentioned limit, five hundred and forty-seven feet (547') to a point distant seventeen hundred and sixty-three feet six inches (1,763' 6") measured easterly in that limit from the said easterly limit of Erie Street; thence northerly, parallel with the last mentioned limit and parallel with the dividing line between Farm Lots 243 and 244, N.T.R., sixteen hundred and forty feet (1,640') more or less to the easterly production of the southerly limit of Wilkinson Drive (Third Concession Road); thence westerly, following the said easterly production of the southerly limit of Wilkinson Drive, eleven hundred and eighty-eight feet (1,188'); thence northerly parallel with the aforesaid dividing line between Farm Lots 243 and 244 and parallel with the sideroad known as Leamington Sideroad, thirteen hundred and eighty-six feet (1,386'); thence westerly, parallel with the said easterly production of the southerly limit of Wilkinson Drive, and continuing westerly parallel with the said southerly limit of Wilkinson Drive, fourteen hundred and twenty-two feet (1,422'); thence southerly, parallel with the limit between Farm Lots 5 and 6 in the Third Concession, six hundred and forty-one feet six inches (641' 6"); thence westerly, parallel with the northerly limit of Wilkinson Drive, fifteen hundred and thirty-one feet (1,531'); thence southerly, parallel with the Leamington and St. Clair Branch of the Michigan Central Railway right-of-way and the limit between Farm Lots 5 and 6, twenty-seven hundred and eighty-six feet (2,786') more or less to a point distant ten hundred and eighty-five feet (1,085') measured northerly in the last described course from the northerly limit of Talbot Street; thence westerly, parallel with the last mentioned limit, twenty feet (20') more or less, to a stake; thence southerly, parallel with the said limit between Farm Lots 5 and 6, five hundred and ninety feet (590') to a stake; thence westerly, parallel with the said northerly limit of Talbot Street, sixteen hundred and sixty-two feet (1,662') more or less to the limit between Farm Lots 4 and 5 in the Second Concession; thence southerly, following the last mentioned limit, five hundred and

sixty-five feet eight inches (565' 8") to the southerly limit of Talbot Street; thence south seventy-one degrees fifty minutes west (S. 71° 50' W.) following the said southerly limit of Talbot Street, two hundred and sixty-three feet ten inches (263' 10"); thence south nine degrees fifty-seven minutes east (S. 9° 57' E.) a distance of one hundred and twenty feet (120') to a point in the northerly limit of Lot 19 according to said Registered Plan No. 1453; thence south seventy-one degrees fifty minutes west (S. 71° 50' W.) along the said northerly limit of Lot 19 a distance of one hundred feet (100') to the westerly limit of said Registered Plan No. 1453; thence south No degrees thirteen minutes east (S. 0° 13' E.) following the last mentioned limit, two hundred and ninety-two feet ten inches (292' 10") to an angle in the westerly limit of said Registered Plan; thence south nine degrees fifty-seven minutes east (S. 9° 57' E.) continuing along the westerly limit of said Registered Plan, two hundred and fifty-one feet (251') more or less to the northerly limit of Oak Street; thence easterly, following the last mentioned limit, twenty-nine hundred and ninety-one feet (2,991') more or less to the northerly production of the westerly limit of Registered Plan No. 751; thence southerly, to and along the last mentioned limit, thirteen hundred and thirty-five feet (1,335') more or less to the southerly limit of Reserve "A" shown on said Registered Plan; thence easterly, following the last mentioned limit, one hundred and fifty-eight feet six inches (158' 6") to the southerly production of the westerly limit of Chestnut Street, as shown on said Registered Plan No. 751; thence northerly, to and along the westerly limit of Chestnut Street, eight hundred and seventy-five feet (875') more or less to the northerly limit of said Registered Plan No. 751; thence easterly, following the last mentioned limit, sixty-six feet (66') to the easterly limit of Chestnut Street as shown on said Registered Plan No. 751; thence southerly, following the last mentioned limit, one hundred and two feet (102') to the northerly limit of Arthur Avenue as shown on said Registered Plan No. 751; thence easterly, following the last mentioned limit, three hundred and fifty-eight feet six inches (358' 6") more or less to the westerly limit of Registered Plan No. 651, distant six hundred and sixty feet (660') measured westerly at right angles from the westerly limit of Erie Street; thence southerly parallel with the last mentioned limit, forty-one hundred and six feet (4,106') more or less to the southerly limit of the First Concession Road (now King's Highway No. 18); thence north eighty-seven degrees thirty-one minutes west (N. 87° 31' W.) following the said southerly limit of the First Concession Road, four hundred and three feet (403') more or less

to a stone monument; thence south three degrees three minutes west (S. $3^{\circ} 3' W.$) four hundred and eighty feet (480') to a stone monument; thence north eighty-six degrees eighty-seven minutes west (N. $86^{\circ} 87' W.$) one hundred and forty-nine feet (149') to a stone monument; thence south three degrees three minutes west (S. $3^{\circ} 3' W.$) seven hundred and ninety feet (790') more or less to the water's edge of Lake Erie; thence southeasterly, and following the water's edge of Lake Erie, twenty-one hundred and five feet (2,105') more or less to the place of beginning.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commence-
ment of Act.

4. This Act may be cited as *The Town of Leamington Act*, Short Title.
1946.

SCHEDULE A

THIS INDENTURE made (in triplicate) the thirty-first day of July, 1944.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF MERSEA,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH
EMPIRE SERVICE LEAGUE, hereinafter called the "Le-
gion",

OF THE THIRD PART,

—and—

ANDREW CROZIER, of the Town of Leamington, in the
County of Essex, Foreman, JOHN LEONARD ESSON, of
the same place, Tinsmith, CHARLES A. POORE, of the
same place, Post Master, ROBERT W. PENFOLD, of the
same place, Inspector, and CHARLES ARNOLD HENDER-
SON, of the same place, Janitor, Trustees for Branch 84
of The Canadian Legion of the British Empire Service
League, hereinafter called the "Trustees",

OF THE FOURTH PART.

WHEREAS the Parties of the Fourth Part as Trustees for Leamington Branch Number 84 of the Canadian Legion of the British Empire Service League, now own the west one-half of Lot Number Six (6) on the north side of Mill Street in the Town of Leamington, in the County of Essex, according to registered Plan Number 170, on the north Thirty-two feet (32') of which parcel is erected a small frame club house building, the residue of the lands available at this time for building purposes comprising a parcel Forty-one feet and Three inches (41' 3") more or less in width from east to west and One Hundred feet (100') in length from north to south.

AND WHEREAS the Town did provide in its estimates for the current year the sum of \$20,000.00 for granting aid for the erection and maintenance of a building to be a memorial in commemoration of the persons who served on active service in the Armed Forces of His Majesty during the first Great War and the present War to be established and equipped as a memorial hall, club house and community hall.

AND WHEREAS the Township (of the Second Part) did provide in its estimates for the current year the sum of \$10,000.00 for a similar purpose.

AND WHEREAS it is deemed advisable that the said Town and Township should enter into an Agreement between themselves and with the Legion (of the Third Part) and the Trustees (of the Fourth Part, for carrying out the purposes of the said grants.

AND WHEREAS the lands above mentioned as available for such purpose are a suitable site for such memorial hall, club house and community hall.

AND WHEREAS the Legion (of the Third Part) embraces in its membership persons who have seen active service with the armed forces of His Majesty, and is a suitable body to undertake the erection, ownership, management and maintenance hereafter of the said building.

NOW THIS AGREEMENT WITNESSETH that, in consideration of the premises, the parties hereto mutually covenant and agree as follows:

1. The Legion will forthwith proceed to obtain plans and specifications for a building approximately Forty-one feet (41') by One Hundred feet (100') in size, to have an auditorium on the main floor with seating capacity of not less than 500 persons and suitable club rooms and other facilities to cost in excess of \$30,000.00 (and of an estimated cost of \$50,000.00) such plans to be made by a qualified architect practising in Ontario.

2. When the said plans and specifications have been completed and approved by the Legion at a meeting regularly called for such purpose, a copy of the same shall be filed with the Clerk of the said Town and a copy with the Clerk of the said Township.

3. The sum of \$20,000.00 provided by the said Town and the sum of \$10,000.00 provided by the said Township will be advanced to aid in the erection of such building, to be a memorial in commemoration of the persons who served on active service in the Armed Forces of His Majesty during the first Great War and the present War, to be established and equipped as a memorial hall, club house and community hall, the said moneys being advanced to the Legion, of the Third Part (and the Trustees, of the Fourth Part, in trust for the Legion, of the Third Part) for the purposes aforesaid.

4. The Legion shall thereupon or in any event within one year after the cessation of hostilities in the present War make all necessary applications for building permits or other permits that may be required and in compliance with all statutory and other requirements will proceed with the erection of a building for the purposes aforesaid, according to the plans and specifications so filed; and will carry the same to completion as expeditiously as practicable, and after completion will thereafter maintain the same as a memorial hall, club house and community hall without further liability on the part of the Town or Township.

5. The Legion shall furnish and equip the said building in a proper manner and without restricting the generality of the foregoing, this shall include installing seats in the auditorium to seat at least 500 people, which shall be removable, and shall equip a kitchen and dining room and club rooms.

6. Nothing herein contained will be construed to prevent the Legion from raising additional funds by private or other subscriptions, or providing additional funds otherwise for the said purposes; and if any Provincial or Dominion grant be made towards the cost of such building, the same shall be in addition to the sums provided by the Town and Township as above set forth.

7. The auditorium in the said building shall be made available for rental by service clubs, lodges, charitable, educational, religious, social and other worthy local organizations, in the said Town and Township at least four days in each week, the Legion providing janitor's service, heat, light and keeping premises in fit and safe repair, rental to be charged to be in accordance with a schedule of rates to be submitted to and approved by the Legion at a special meeting duly called for such purpose, and such schedule to be filed in the office of the Clerk of the Town and Township; any amendment to the said schedule shall be made at a meeting similarly called and such schedule shall be filed as above.

8. The Legion shall maintain the building and furnishings in a proper state of repair at all times and shall employ a janitor to keep the building clean and sanitary.

9. Provided that if the Legion, of the Third Part, by its Trustees (or otherwise, in accordance with its constitution) shall acquire other lands adjacent to the lands above described, the location of the said hall may be altered, provided that it fronts for its greatest length on Memorial Park with access from the Park to the Hall and the said building may be

of greater size than the proposed size of Forty-one feet by One Hundred feet set forth in paragraph 1 hereof (to provide a larger auditorium), if available funds warrant such increase in size.

10. This Agreement is subject to the approval of the Department of Municipal Affairs of the Province of Ontario at Toronto, and if any amendment in the terms is required by the Department, the same shall be submitted by the Town and the Township to the Parties of the Third Part and Fourth Part for amendment accordingly.

11. This Agreement shall enure to the benefit of and be binding upon the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the parties hereto have hereunto set their corporate seals and hands and seals respectively.

SEALED AND DELIVERED AND COUNTERSIGNED by the Mayor and Clerk of THE CORPORATION OF THE TOWN OF LEAMINGTON.

THE CORPORATION OF THE TOWN OF LEAMINGTON.

PHILIP FADER,
Mayor.

(Seal)

W. E. SELKIRK,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the Reeve and Clerk of THE CORPORATION OF THE TOWNSHIP OF MERSEA.

THE CORPORATION OF THE TOWNSHIP OF MERSEA.

JAMES ARMSTRONG,
Reeve.

(Seal)

REX E. IMESON,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the President and Secretary of BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE LEAGUE.

BRANCH 84 OF THE CANADIAN LEGION OF THE
BRITISH EMPIRE SERVICE LEAGUE.

GEO. P. CLARKE,
President.

(Seal)

FRANK E. TAYLOR,
Secretary.

SIGNED, SEALED AND DELIVERED	}	ANDREW CROZIER.	(Seal)
in the presence of		JOHN L. ESSON.	(Seal)
J. R. MORRIS.		C. A. POORE.	(Seal)
		C. A. HENDERSON.	(Seal)
		R. W. PENFOLD.	(Seal)

APPROVED
DEPT. OF MUNICIPAL AFFAIRS
J. P. COOMBE
Supervisor
Sept. 11, 1944.

SCHEDULE B

THIS INDENTURE made in triplicate the 31st day of October, 1945.

BETWEEN:

THE CORPORATION OF THE TOWN OF LEAMINGTON,
hereinafter called the "Town",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE TOWNSHIP OF MERSEA,
hereinafter called the "Township",

OF THE SECOND PART,

—and—

BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH
EMPIRE SERVICE LEAGUE, hereinafter called the "Legion",

OF THE THIRD PART,

—and—

ANDREW CROZIER, of the Town of Leamington, in the County of Essex, Foreman, JOHN LEONARD ESSON, of the same place, Tinsmith, CHARLES A. POORE, of the same place, Post Master, ROBERT W. PENFOLD, of the same place, Inspector, and CHARLES ARNOLD HENDERSON, of the same place, Janitor, Trustees for Branch 84 of The Canadian Legion of the British Empire Service League, hereinafter called the "Trustees",

OF THE FOURTH PART.

WHEREAS the Parties of the Fourth Part, as Trustees for Leamington Branch Number 84 of The Canadian Legion of the British Empire Service League, now own the west one-half of Lot Number Six (6) on the north side of Mill Street in the Town of Leamington, in the County of Essex, according to Registered Plan Number 170, being a parcel with frontage 41 feet 3 inches more or less on Mill Street and extending north a distance of 132 feet, and also Lot Number Three (3) on the south side of Orange Street according to said Registered Plan Number 170, being a parcel with frontage 82 feet 6 inches more or less on Orange Street and extending south a distance of 132 feet, to Lot Number 6 north of Mill Street above mentioned, and the westerly limit of the said Two parcels being a straight line 264 feet in all and fronting on Memorial Park, a public park owned by the Corporation of the Town of Leamington.

AND WHEREAS a small frame club house building, formerly erected on the north 32 feet of Lot Number 6 north of Mill Street, above mentioned, has been moved to the east half of Lot Number 3, south of Orange Street, and which leaves the west halves of said Lots Numbers 3 and 6 free of any building or other obstruction.

AND WHEREAS by an Agreement dated the 31st day of July, 1944, and made between the parties hereto, and which Agreement was duly authorized by By-laws of the Corporation of the Town of Leamington and the Corporation of the Township of Mersea, and was approved by the Department of Municipal Affairs, it was provided, *inter alia*, that the Legion would proceed to obtain plans and specifications for a building approximately 41 feet by 100 feet in size to have an auditorium on the main floor with a seating capacity of not less than 500 persons and suitable club rooms and other facilities, to cost in excess of \$30,000.00, and of an estimated cost of \$50,000.00, such plans to be made by a qualified architect practising in Ontario; that the sum of \$20,000.00 provided by the said Town and the sum of \$10,000.00 provided by the said Township, should be advanced to aid in the erection of such building, to be a memorial in commemoration of the persons who served on active service in the Armed

Forces of His Majesty during the two Great Wars, to be established and equipped as a Memorial Hall, club house and community hall, said moneys being advanced to the said Legion and the Trustees for the said Legion for the purposes aforesaid, and that the Legion should within one year after the cessation of hostilities, make all necessary applications for building permits or other permits that may be required and proceed with the erection of the building for the purposes aforesaid according to the said plans and specifications.

AND WHEREAS it appears that the said Hall may have to be of a greater width from east to west than 41 feet to provide the accommodation that is desired, and it is desirable that the said building should be erected in a central location facing on Memorial Park and it is desirable that additional lands be acquired for such purpose.

AND WHEREAS the lands now comprised in Memorial Park were formerly owned by Trustees for the Leamington Branch of the Great War Veterans Association of Canada, and for its Ladies' Auxiliary, the said Association being an organization of men who served on active service in the First Great War, and which Association having been succeeded by the Canadian Legion of the British Empire Service League as the active organization for Veterans of the said Great War and the said Association having ceased to exist as an active organization, the said lands were in the year 1929 conveyed by the Trustees for said Association and its Ladies Auxiliary and by Branch 84 of the Canadian Legion of the British Empire Service League and its Trustees, to the Corporation of the Town of Leamington, for a park to be a memorial to men and women who had seen active service in the first Great War.

AND WHEREAS the additional lands required by the Legion for the erection of the aforesaid Memorial Hall, club house and community hall, comprise the east 20 feet of the middle 164 feet of the said Memorial Park, as hereinafter more particularly described.

AND WHEREAS certain of the lands now owned by the Legion and the Trustees for the said Legion are not now required for purposes of the said Legion or for building purposes and will make a satisfactory and desirable addition to the said Memorial Park and it has been deemed advisable to arrange for an exchange of lands.

AND WHEREAS it was provided in the aforesaid Agreement dated July 31st, 1944, that if the Legion by its Trustees or otherwise should acquire other lands adjacent to the west half of Lot 6, north of Mill Street, according to Registered Plan 170, that the location of the said hall might be altered, provided that it should front on its greater length on Memorial Park and that it might be a greater size than the size of 41 feet by 100 feet therein set forth.

AND WHEREAS hostilities in the recent war have now ceased, and it is desirable that the matters in the aforesaid Agreement provided should be proceeded with as expeditiously as possible.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises, the Parties hereto mutually covenant and agree as follows:

1. The Trustees of the Fourth Part and the Legion of the Third Part will convey to the Town of the First Part for park purposes, and as an addition to its Memorial Park, lands described as follows: (Firstly) The West Thirty-five feet (35') of the North Fifty feet (50') of Lot Number Three (3) on the south side of Orange Street according to Registered Plan Number 170; and (Secondly) the south Fifty feet (50') of the west one-half of Lot Number Six (6) on the north side of Mill Street, according to said Registered Plan Number 170, subject however to and reserving unto the said Trustees of the Fourth Part and the said Legion of the Third Part, and their respective successors and assigns, an easement over the east Sixteen feet (16') and Three inches (3") of the said parcel secondly described, for the purpose of laying down and constructing sewers and drains and pipes for water and gas and conduits for wires of all kinds, in, under

and upon the said lands, and of keeping and maintaining the same at all times in good condition and repair and for such purpose the right of access to the said lands at all times by the said Trustees of the Fourth Part and the Legion of the Third Part, and their respective successors, assigns, servants, employees and workmen, and also a right of way for persons, animals and vehicles over, along and upon the said east Sixteen feet (16') and Three inches (3") of the parcel secondly above described.

2. The Town of the First Part shall convey to the Trustees of the Fourth Part, and their successors, as Trustees for the Legion of the Third Part, a strip of land Twenty feet (20') in width from east to west, and One Hundred and sixty-four feet (164') in length from north to south, which may be otherwise described as the east Twenty feet (20') of the north Eighty-two feet (82') of Lot Number Five (5) on the north side of Mill Street, according to Registered Plan Number 170, and the east Twenty feet (20') of the south Eighty-two feet (82') of Lot Number Two (2) on the south side of Orange Street, according to said Registered Plan Number 170, and shall do all things necessary or proper to make the said conveyance valid and effective, including and Without restricting the generality of the foregoing, an application to the Department of Municipal Affairs for its approval; and shall apply for validating Legislation authorizing such conveyance.

3. The said conveyance by the Trustees and the Legion to the Town shall be delivered contemporaneously with the delivery of such conveyance by the Town to the Trustees, on or before the 31st day of March, 1946, if validating legislation has been obtained at that time and otherwise as soon as such Legislation has been obtained.

4. The lands so conveyed or to be conveyed by the Trustees and the Legion to the Town shall be so conveyed as an addition to Memorial Park and shall be thereafter maintained by the Town as part of the said public park.

5. The Township of the Second Part does hereby approve of this Agreement.

6. The Agreement dated the 31st day of July, 1944, shall be amended to the extent necessary to fully effectuate these presents and otherwise shall remain in full force and effect.

IN WITNESS WHEREOF the Parties hereto have hereunto set their Corporate seals and hands and seals respectively.

SEALED AND DELIVERED AND COUNTERSIGNED by the Mayor and Clerk of THE CORPORATION OF THE TOWN OF LEAMINGTON.

THE CORPORATION OF THE TOWN OF LEAMINGTON.

PHILIP FADER,
Mayor.

(Corporate Seal)

W. E. SELKIRK,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the Reeve and Clerk of THE CORPORATION OF THE TOWNSHIP OF MERSEA.

THE CORPORATION OF THE TOWNSHIP OF MERSEA.

JAMES ARMSTRONG,
Reeve.

(Corporate Seal)

REX E. IMESON,
Clerk.

SEALED AND DELIVERED AND COUNTERSIGNED by the President and Secretary of BRANCH 84 OF THE CANADIAN LEGION OF THE BRITISH EMPIRE SERVICE LEAGUE.

BRANCH 84 OF THE CANADIAN LEGION OF THE
BRITISH EMPIRE SERVICE LEAGUE.

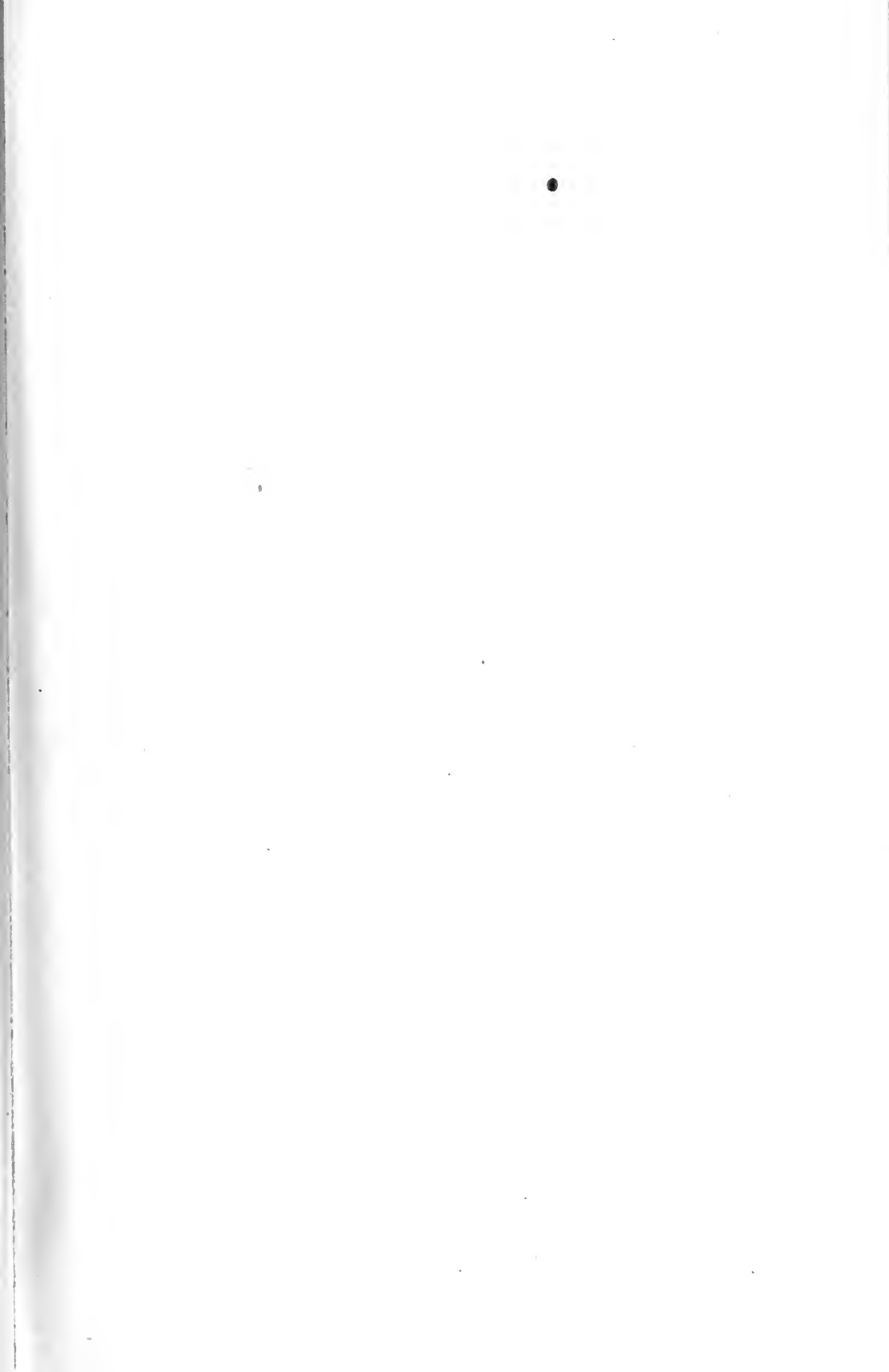
J. R. MORRIS,
President.

(Corporate Seal)

F. E. TAYLOR,
Secretary.

SIGNED, SEALED AND DELIVERED	}	C. A. POORE.	(Seal)
in the presence of		R. W. PENFOLD.	(Seal)
J. R. MORRIS		CHARLES A. HENDERSON.	(Seal)
		J. L. ESSON.	(Seal)
		A. CROZIER.	(Seal)

APPROVED
DEPT. OF MUNICIPAL AFFAIRS
J. P. COOMBE
Dec. 28, 1945



BILL

An Act respecting the Town of
Leamington

1st Reading

March 19th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. MURDOCH

No. 14

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of London.

MR. PATRICK

(PRIVATE BILL)

No. 14

1946

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London has Preamble.
by its petition prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The agreements made between The Corporation of the Housing
agreements
validated.
City of London and His Majesty, the King, in right of Canada
and Wartime Housing Limited, set forth as schedules A and
B hereto, are hereby ratified and confirmed and declared to
be legal, valid and binding upon the said Corporation and the
ratepayers thereof, and the said Corporation is hereby author-
ized and empowered to carry out its obligations and to enjoy
its rights, powers and privileges under the terms of the said
agreements, provided that nothing in this section, nor in the
said agreements contained shall in any way limit or affect
any rights of the Corporation with respect to personal charges
for health services.

2. By-law number A1985-304 of the Corporation of the By-law
A1985-304
validated.
City of London, passed on the 5th day of November, 1945,
set forth as schedule C hereto, is hereby ratified and con-
firmed, and declared to be legal, valid and binding upon the
Corporation and the ratepayers thereof, and the Corporation
is hereby authorized and empowered to carry out its obliga-
tions and to enjoy its rights, powers and privileges under the
terms of the said by-law and under the provisions of the
agreement provided to be entered into thereunder with The
Board of Governors of the University of Western Ontario,
which agreement, when entered into, shall be legal, valid and
binding upon the Corporation and the ratepayers thereof and
The Board of Governors of the University of Western Ontario.

3. The Corporation of the City of London is hereby au- Power to sell
lands to
veterans,
etc.
thorized and empowered to sell to members and veterans of

the Armed Forces, and widows of deceased members and veterans thereof, at nominal considerations, lands no longer required for its purposes, for the purpose of assisting the said members, veterans and widows to erect dwellings and all such sales heretofore or hereafter made are ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Power to
sell lands to
contractors
for veterans'
dwellings.

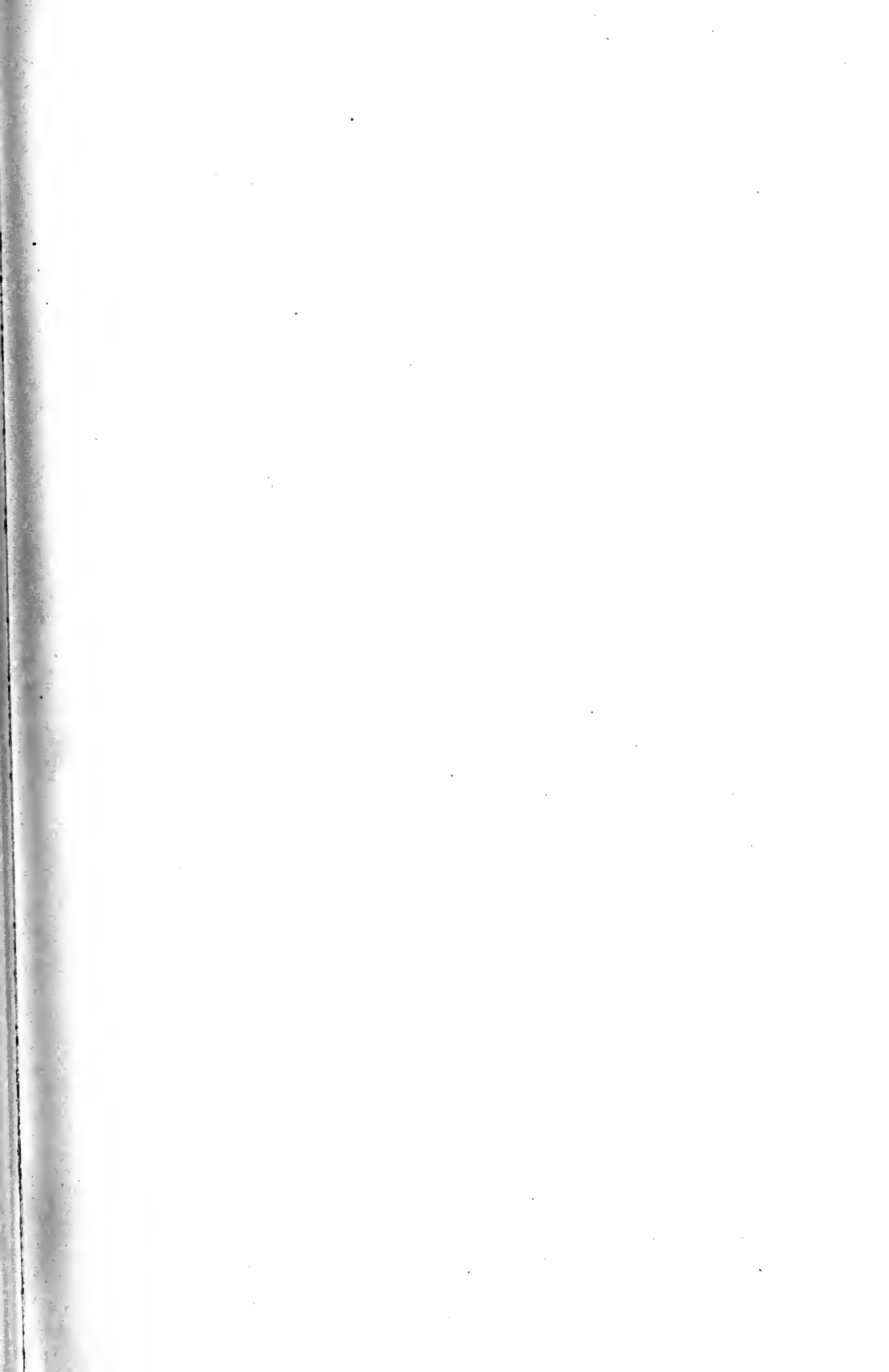
4. The Corporation of the City of London is hereby authorized and empowered to sell to contractors, at nominal considerations, lands no longer required for its purposes, to assist contractors to construct dwellings for sale to members and veterans of the Armed Forces, and widows of deceased members and veterans thereof, and all such sales heretofore or hereafter made are ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of London Act, No. 2, 1946*.



SCHEDULE A

THIS AGREEMENT made in triplicate, this Nineteenth day of June, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the City)

OF THE FIRST PART;

HIS MAJESTY, THE KING, IN RIGHT OF CANADA, herein represented by the Honourable, the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called His Majesty)

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a company incorporated under The Dominion Companies Act, pursuant to the provisions of The Department of Munitions and Supply Act, being Statutes of Canada, 4 George VI, chapter 3, as amended (hereinafter called the Company)

OF THE THIRD PART:

WHEREAS the City is the registered owner, in fee simple, of various parcels of vacant land within the limits of the Municipality of the City of London, situate on public streets having sidewalks, water mains and sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said Municipality and the City, being desirous of taking steps to alleviate such shortage, has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent, and for the purposes, and upon the terms and conditions all as hereinafter set forth, upon the condition that the City convey to His Majesty the land necessary to provide such additional accommodation, which the City has agreed to do for the consideration and upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this agreement, and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto hereby mutually covenant and agree as follows:

1. The City shall convey to His Majesty, in fee simple, free and clear from all encumbrances, including taxes and local improvements rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are set forth in the schedule hereto annexed marked "A" (such parcels of land and such schedule being hereinafter referred to respectively as the building lots and the schedule), by deeds or transfers approved by the solicitor for His Majesty.

2. His Majesty, in consideration of the conveyance provided for in the next preceding clause, shall pay or cause to be paid to the City the sum of One dollar for each of the building lots, such sum to be paid upon the execution and delivery of the deed or transfer of each such portion.

3. Upon the execution and delivery of the conveyances provided for in clause 1 hereof His Majesty, or the Company, shall:

(a) At his or its own cost and expense proceed forthwith to erect on each of the building lots so conveyed and set forth in the schedule, a house

of such type as His Majesty, in his sole discretion, may deem advisable, to cost on the average approximately Three thousand, eight hundred dollars each, to be of frame construction on cement blocks or solid concrete foundation, to consist of any of the three types of houses shown on the plans of the Company, numbers H. 1, H. 5, drawing numbers 1-6 inclusive; numbers H. 12, H. 15, drawings 1-7, inclusive and H. 21, H. 23, drawings numbers 1-6 inclusive, and to be constructed in accordance with the specifications of the Company, dated the 12th day of July, 1944, subject to the availability of the several materials and to the provisions of wartime regulations (which plans and specifications are filed with the City Clerk) to be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and to be so erected and equipped with all due diligence and expedition (such houses being hereinafter referred to as "the houses") and

(b) Install under the supervision, and to the satisfaction of the City Engineer of the City, all necessary water services and private drain connections from the water mains and sewers of the City to the houses, or the City shall make such installations and His Majesty or the Company shall pay to the City its costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost to be conclusive evidence of the same and to be final and binding on the parties hereto. Provided that such installations shall in all cases include such re-laying of the pavement on the street destroyed in effecting such installations as in the opinion of the said City Engineer shall be necessary and proper. Provided also, and it is hereby expressly declared and agreed by and between the parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company, and shall thereafter be maintained and repaired by the City at its own cost and expense, except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively (to soldiers, sailors or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependants and to the dependants of any soldier, sailor or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war), at rents ranging from Twenty-two dollars to Thirty dollars per month per house; Provided, however, that whenever and so often as during the currency of this agreement any of the houses is or becomes vacant and there are no applications of any such soldier, sailor, airman or dependants acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall determine. And it is hereby expressly declared and agreed by and between the parties hereto that all water and electric current supply rates or charges in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company, at their own cost and expense, shall undertake and carry out the management and control of the houses and all appurtenances thereto belonging and shall at all times during the currency of this agreement, well and sufficiently repair, maintain, amend and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest acts of God and His Majesty's enemies only excepted.

6. His Majesty and/or the Company shall pay to the City on the 31st day of the month of December in each of the years 1945 to 1959, both inclusive, in lieu of taxes on the building lots, the following annual amounts:

(a) The sum of Twenty-four Dollars in respect of each of the houses containing two bedrooms, and

(b) The sum of Thirty dollars in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

7. His Majesty and/or the Company, in addition to the payments provided for in clause 6 hereof, shall pay to the City on the 31st day of December in each of the years 1945 to 1959, both inclusive, the sum of One dollar in respect of each of the houses, in consideration for the street lighting services for the houses to be provided by the City. Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. That in consideration of the payments provided for in clauses 6 and 7 hereof the City shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupiers of the houses while the same are owned by His Majesty. Provided that nothing contained in this clause shall be deemed to limit the right of the City to charge the tenants or occupiers of the houses while the same are owned by His Majesty, public utility rates and/or charges provided for in clause 4 hereof, or to collect from such tenants or occupiers any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the Municipality of the City of London. Nothing in this agreement contained shall limit the right of the Municipality to collect poll tax from any person resident in the living accommodation.

9. This agreement shall only affect such of the houses and lands appurtenant thereto while owned by His Majesty, and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided however that no sale or conveyance shall at any time be made to any person, firm, corporation or body exempt from full or any municipal assessment and taxation at the time of such sale or conveyance. Provided further that in the event of any of the houses and lands appurtenant thereto being sold by His Majesty, His Majesty shall pay to the municipality at the time of such sale the sum of Four hundred dollars in payment of each building lot so sold during the period between the date of this agreement and the 31st day of December, 1950, both days inclusive, and the sum of Two hundred dollars in payment of each building lot so sold during the period between the 1st day of January, 1951, and the 31st day of December, 1955, both days inclusive. Provided further that in the year that any such house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in clauses 6 and 7 hereof shall be pro rated in respect of the portion of the year in which each house and the lands appurtenant thereto cease to be owned by His Majesty, and such lands and houses shall forthwith upon such sale immediately become subject to all taxes and local improvement rates which would be assessed and charged against such lands and houses had it not been for the provisions of this agreement, and the ownership thereof by His Majesty and/or the Company.

10. His Majesty, in consideration of the City entering into and executing these presents, hereby gives to the City an option, irrevocable within the time for acceptance herein limited, to purchase, free from all encumbrances (save and except any encumbrances which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the building lots then owned by His Majesty as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company (such fixtures to include but not so as to limit the generality of the foregoing, heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds) for the sum of One thousand dollars for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of January, 1960 to the 31st day of March, 1960, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Treasurer of the City and sealed with the Corporate seal of the City, mailed, postage prepaid and registered, addressed His Majesty, care of the Company, at 55 York Street, Toronto, stating therein that this option is accepted and by paying to His Majesty

forthwith ten per centum of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty days from the date of acceptance, all adjustments to be made as of the 31st day of March, 1960, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

11. Should the City fail to exercise the option to purchase mentioned in clause 10 hereof, His Majesty shall have the right to sell such of the building lots as are then owned by him without payment to the City of any sum whatsoever on the sale of such lands, and His Majesty and/or the Company, from and after the 1st day of April, 1960, shall pay annually to the City in respect of each of the building lots and buildings thereon, while owned by His Majesty, in lieu of taxes, a sum equal to the amount of taxes, rates and/or assessments, including local improvement rates, that would have been payable in respect of each of the building lots and buildings thereon if the same had been owned by a non-exempt person, company and/or corporation; such sum to be paid to the City on or before the 31st day of December in each year commencing with the year 1960. Provided that such payments in lieu of taxes shall be pro rated in respect of the portion of the year in which each of the building lots ceases to be owned by His Majesty.

12. That any existing or future provisions of the by-laws of the City with respect to the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

13. In the event that any of the houses is damaged by fire or the elements or otherwise prior to the 1st day of April, 1960, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair such damage or completely remove the remains of such damaged house from the portion of the building lots appurtenant thereto. In the event of the removal of such damaged house His Majesty shall convey to the City, in fee simple, free from all encumbrances (save and except any encumbrance which may be registered against such portion of the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the said portion of the building lots, such conveyance to be by a deed or transfer approved by the solicitor for the City.

14. The City, at its own cost and expense, shall take all possible steps to obtain, at the next ensuing session of the Legislature of the Province of Ontario, legislation validating and confirming this agreement and empowering the City to carry out its terms and provisions.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the Presence of:

THE CORPORATION OF THE CITY OF LONDON

(Signed) D. J. H. FERGUSON,
Presiding Officer. (Seal)

(Signed) NORA TOLL,
Clerk.

HIS MAJESTY, THE KING, IN RIGHT OF CANADA herein represented by the Minister of Munitions and Supply of Canada acting through Wartime Housing Limited.

(Seal)

(Signed) THOMAS GRAY,
(Signed) R. A. NEWCOMBE.

WARTIME HOUSING LIMITED

(Signed) THOMAS GRAY,
(Signed) R. A. NEWCOMBE.

(Seal)

LIST OF LOTS FOR WARTIME HOUSING LIMITED

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London, in the County of Middlesex, and the Province of Ontario, and being composed of—

FIRSTLY the whole of Lots Numbers Fifty-three (53) to Seventy-four (74) inclusive on the west side of Elgin Street, in the City of London, according to Registered Plan No. 526.

SECONDLY the whole of Lots Numbers Thirty-Three (33) to Fifty-two (52) inclusive on the East side of Sanders Street, in the City of London, according to Registered Plan No. 526.

THIRDLY the whole of Lots Numbers Twenty-one (21) to Thirty-one (31) inclusive on the West side of Sanders Street, in the City of London, according to Registered Plan No. 526.

FOURTHLY the whole of Lots Numbers Sixteen (16), Seventeen (17) and Eighteen (18) on the West side of Sanders Street, in the City of London, according to Registered Plan No. 526.

SCHEDULE B

THIS AGREEMENT made in triplicate this 11th day of December, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called "the City") OF THE FIRST PART;

—and—

HIS MAJESTY THE KING IN RIGHT OF CANADA, herein represented by the Honourable the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called "His Majesty") OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a Company incorporated under the Dominion Companies Act, pursuant to the provisions of the Department of Munitions and Supply Act (being Statutes of Canada, 4 George VI, Chapter 3, as amended), (hereinafter called "The Company") OF THE THIRD PART.

WHEREAS the City is the registered owner in fee simple of the various parcels of vacant land within the limits of the municipality of the City of London situate on improved public streets where sidewalks, water mains, sewers and street lighting services will be or have been constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said municipality and the City being desirous of taking steps to alleviate such shortage has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent and upon the terms and conditions all as hereinafter set forth to be known as London Project No. 3, upon the condition that the City shall convey to His Majesty the land necessary to provide such additional accommodation which as appears by a resolution of the Council adopted at a meeting held on the 10th day of December, 1945, the City has agreed to do upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this Agreement and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties hereto mutually covenant and agree as follows:

1. The City shall convey to His Majesty in fee simple, free and clear from all encumbrances, including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are acceptable to His Majesty and as are set forth in the Schedule hereto annexed marked "A" (such parcels of land and such Schedule being hereinafter referred to respectively as "the building lots" and "the Schedule"), by deeds or transfers approved by the solicitors for His Majesty.

In the event that any of the said Lots are low in contour, the City will provide land fill of a clean and permanent nature sufficient to bring

the level of the lots up to the level of the adjacent sidewalk or street, whichever may be the higher.

2. His Majesty in consideration of the conveyance provided for in the next preceding clause shall pay or cause to be paid to the City the sum of One Dollar (\$1.00) for each of the building lots or each portion thereof upon which His Majesty or the Company erects a house as hereinafter provided, such sum to be paid upon the execution and delivery of the deed or transfer of each building lot or portion thereof.

3. Upon the execution and delivery of the conveyance provided for in clause 1 hereof His Majesty or the Company shall at His or its own cost and expense proceed forthwith:

A. To erect on the building lots so conveyed and set forth in the Schedule, such number of houses as His Majesty in his sole discretion may deem advisable (such houses being hereinafter referred to as "the houses"), at an average cost of approximately (\$4,000.00) each, to be of frame construction on cement blocks or solid concrete foundation to consist of any of the three types of houses shown on the plans of the Company, numbers H. 5, H. 6, drawing numbers 1-6 inclusive; numbers H. 15, H. 16, drawing numbers 1-7 inclusive and H. 45, H. 46, drawing numbers 1-8 inclusive and to be constructed in accordance with the specifications of the Company, dated July 1st, 1945 (which plans and specifications are filed with the Clerk of the City). The houses shall be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and shall be so erected and equipped with all due diligence and expedition. The said constructing and equipping is subject to the availability of the several materials and equipment and to the provisions of wartime regulations; and

B. To install all necessary water services and private drain connections from the water mains and sewers of the City to the houses (the installations of the portions of such connections from the water mains and sewers of the City to the lot lines to be under the supervision of and satisfactory to the Engineer of the City), or the City shall make such installations and His Majesty or the Company shall pay to the City its reasonable and proper costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost shall in the absence of fraud or mistake be conclusive evidence of the same and shall be final and binding on the Parties hereto; Provided that such installations shall in all cases include such relaying of street pavement as shall be required after and as a result of effecting such installations as in the honest opinion of the said City Engineer shall be necessary; Provided also, and it is hereby expressly declared and agreed by and between the Parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company and shall thereafter be maintained and repaired by the City at its own cost and expense except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or maintenance of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in Clause 3 hereof provided, the Company shall during the period from the 1st day of May 1946, to the 30th day of April, 1961, lease the houses and lands appurtenant thereto respectively, to sailors, soldiers, or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependants and to the dependants of any sailor, soldier or airman of such forces who is on general service outside Canada or who has been killed on active service in such war, at rents ranging from Twenty-two Dollars (\$22.00) to Thirty Dollars (\$30.00) per month per house; Provided, however, that whenever and so often as any of the houses is or becomes vacant and there are no applications of any such sailor, soldier or airman, or dependants thereof acceptable to and filed with the Company, the Company shall have the right to lease the same at the

rents aforesaid to whomever it shall in its uncontrolled discretion determine; And it is hereby expressly declared and agreed by and between the parties hereto that all water, gas and electric current supply charges or rates in respect to the houses, shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company at their own cost and expense, shall during the period referred to in Clause 4 hereof, undertake and carry out the management and control of the houses and appurtenances thereto belonging and shall at all times during such period well and sufficiently repair, maintain and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. The City covenants and agrees to furnish to the houses and to the tenants thereof all such facilities, privileges and services of the City as are furnished or made available to other properties or property owners and tenants in the City including without limiting the generality of the foregoing, fire protection, police protection and schools. The City covenants and agrees that the services to be provided under this clause and clause 3B. preceding will be provided by the City in time to permit of the occupancy of the houses as soon as house construction has advanced sufficiently to permit occupancy by tenants.

7. His Majesty and/or the Company shall pay to the City on the 1st day of the month of October in each of the years 1946 to 1961, both inclusive, for services rendered and privileges and facilities made available the sum of Twenty-four Dollars (\$24.00) in respect of each of the houses containing two bedrooms and the sum of Thirty Dollars (\$30.00) in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. His Majesty and/or the Company in addition to the payments provided for in Clause 7 hereof shall pay to the City on the 1st day of the month of October in each of the years 1946 to 1961 both inclusive, the sum of One Dollar (\$1.00) in respect of each of the houses in consideration for the street lighting services to be supplied by the City for the houses; Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

9. In consideration of the payments provided for in Clauses 7 and 8 hereof the City agrees not to levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupants of the houses while the same are owned by His Majesty; Provided that nothing contained in this Clause shall be deemed to limit the right of the City to charge the tenants or occupants of the houses while the same are owned by His Majesty, the public utility rates, and other charges provided for in Clause 4 hereof, or to collect from such tenants or occupants any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the City of London.

Nothing in this Agreement contained shall limit the right of the City of London to collect poll tax from any person resident in the houses.

10. Notwithstanding anything contained in this agreement the provisions herein except Clause 13 hereof shall only affect the houses and lands appurtenant thereto while owned by His Majesty and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided, however, that whenever and so often during the period from the date hereof to the 30th day of April, 1951 (both dates inclusive) as His Majesty shall sell or transfer any of the houses and lands appurtenant thereto, His Majesty and/or the Company shall pay to the City the sum of Four Hundred Dollars (\$400.00) in respect of the lands appurtenant to each house so sold; And provided that whenever during the period from the 1st day of May, 1951 to the 30th day of April, 1956 (both dates in-

clusive) as His Majesty shall sell or transfer any of the houses and land appurtenant thereto His Majesty and/or the Company shall pay to the City the sum of Two Hundred Dollars (\$200.00) in respect of the land appurtenant to each house so sold. PROVIDED FURTHER that in the year in which any house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in Clauses 7 and 8 hereof shall be pro rated proportionately to the part of the year during which His Majesty was owner of such house or houses and the lands appurtenant thereto.

11. His Majesty in consideration of the City entering into and executing these presents, hereby gives to the City an option irrevocable within the time for acceptance herein limited to purchase free from all encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lots owned by His Majesty on May 1st, 1961, as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company for the sum of One Thousand Dollars (\$1,000.00) for each of the building lots together with the house and appurtenances. The option hereby given shall be open for acceptance at any time from the 1st day of May, 1961, to the 31st day of July, 1961, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Clerk of the City sealed with the Corporate Seal of the City mailed postage prepaid and registered, addressed to His Majesty in care of the Company at 55 York Street, Toronto (or such other address as may be designated by His Majesty or the Company in writing), stating in such letter that this option is accepted and enclosing therewith an accepted cheque payable to the order of His Majesty in the amount of ten per centum (10%) of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty (60) days from the date of acceptance, all adjustments to be made as of the 31st day of July, 1961, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfer approved by the solicitor for the City.

12. His Majesty and/or the Company from and after the 1st day of May, 1961, shall pay annually to the City in respect of each house and the land appurtenant thereto while owned by His Majesty for services rendered and privileges and facilities made available, a sum equal to the amount of the taxes, rates and/or assessments, including local improvement rates, that would be payable in respect thereof if the same were owned by a non-exempt person, company and/or corporation. Such sum shall be paid to the City on or before the 31st day of December in each year commencing with the year 1961; provided that such payments shall be pro-rated in respect of the portion of the year in which each of the said houses and lands appurtenant thereto ceases to be owned by His Majesty.

13. Any existing or future provisions of the charter and/or by-laws of the City respecting the manner, mode, location and type of construction of buildings erected in accordance with the terms hereof shall not apply to any of the houses whether owned by His Majesty or otherwise.

14. In the event that any of the houses while owned by His Majesty are damaged by fire or the elements or otherwise prior to the 1st day of August, 1961, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair or rebuild such house or completely remove the remains of such damaged house from the building lot or portion thereof appurtenant thereto. In the event of the removal of such damaged house His Majesty shall for the nominal sum of One Dollar convey to the City in fee simple free from all encumbrances (save and except any encumbrances which may be registered against such building lot or portion thereof at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lot or portion thereof formerly appurtenant to such house. Such conveyance shall be by a deed or transfer approved by the solicitor of the City.

15. In the event that the actual average cost per house shall exceed or be less than the said estimated average cost of \$4,000.00 per house

referred to in Clause 3 hereof, then the period referred to in Clause 4 hereof shall be extended by one year for and in respect of each full \$200 by which said actual average cost per house exceeds said estimated average cost or be reduced by one year for and in respect of each full \$200 by which said actual average cost per house is less than said estimated average cost, and, in particular, the year "1961" wherever it appears in Clauses 4, 7 and 8 hereof and the year "1961" wherever it appears in Clauses 11, 12 and 14 hereof shall be reduced or increased, as the case may be, by the number of years by which the period referred to in Clause 4 hereof is so extended or reduced as aforesaid.

16. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation validating and confirming this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the Presence of:

THE CORPORATION OF THE CITY OF LONDON

per W. J. HEAMAN,

Mayor.

per NORA TOLL,

Clerk.

(Seal)

HIS MAJESTY, THE KING, IN RIGHT OF CANADA herein represented by the Minister of Munitions and Supply of Canada acting through Wartime Housing Limited.

per THOMAS GRAY,

per R. A. NEWCOMBE.

(Seal)

WARTIME HOUSING LIMITED

per THOMAS GRAY,

per R. A. NEWCOMBE.

(Seal)

Schedule A

Description	Registered Plan No.	Houses
Lots 16 to 22, inclusive, on West Delaware Avenue, each 34' x 100', making 5 lots 39' each, 1 lot 43'.		
Lots 33 to 39, inclusive, on East Delaware Avenue, each 35' x 100', making 5 lots 40' each, 1 lot 45' . . .	528	12 houses
Lot No. 99 East Madison Avenue, 40' x 113' 10½" . . .	513	1 house
Lots Nos. 58 to 62, inclusive, West Pine Lawn Avenue and Lot No. 2 West Pine Lawn Avenue, total width on the square 286' 4", making 6 lots of 40' frontage each and 1 lot of 46' 4" frontage	513	
Lot No. 41 East Pine Lawn Avenue, 48' x 98' 10½" . .	524	7 houses
Lots Nos. 45, 46 and 47 East Pine Lawn Avenue and Lot No. 3 East Pine Lawn Avenue, total width on square 190' 4", making 3 lots of 47' frontage each, 1 lot 49' 4"	513	1 house
Lots Nos. 17 and 11 West East Street, each 40' x 113' 10½"	524	4 houses
Lots Nos. 15, 16 and 17 West Sanders Street, each 33' x 106' 6", making a 99' frontage or 2 lots 49' 6" each . .	513	2 houses
Lot No. 16 East Elgin Street, 35' x 106' 6" and Lot No. 17 East Elgin Street, 62' x 106' 6" (this lot is 64' 0¾" at rear), total frontage 97', or 2 lots 48' 6" each	511	2 houses
Lots Nos. 69 and 70 East Elgin Street, each 33' x 106' 6" and Lot No. 71 East Elgin Street, 30' x 106' 6", total frontage 96', or 2 lots each 48' x 106' 6"	519	2 houses
	511	2 houses

Description	Registered Plan No.	Houses
Lot No. 65 and Northerly 16' 6" of Lot No. 64 on the East side of Elgin Street, 33' plus 16' 6" makes 1 lot 49' 6" x 106' 6".....	511	1 house
Lots Nos. 14 and 15 East Sanders Street, each 35' x 110' 8½". Lot No. 13 East Sanders Street, 24' 1" frontage x 110' 8½", extending to a width of 95' at the rear. Part of Lot No. 34 East Sanders Street, 57' 3" x 129' 2", being the northerly 57' 3" of this lot, total frontage 151' 4", making three lots 38' x 110' 8½" each and 1 lot 37' 4" x 110' 8½" extending to 108' 3" width at rear.....	541	4 houses
Lots Nos. 24 to 27, inclusive, and part of Lots 23 and 28 on the West side of Sanders Street, according to Registered Plan No. 137, and described as: Commencing at a point in the Westerly limit of Sanders Street distant 420' Southerly along the said limit from its intersection with the Southerly limit of the Hamilton Road; thence Westerly at right angles to Sanders Street 110' 9" more or less to the Easterly limit of Lot No. 23 aforesaid; thence Southerly along the Westerly limits of Lots No. 23 to 28 inclusive, to the South-westerly angle of the said Lot No. 28; thence Easterly, along the Southerly limit of the said Lot No. 28, 35' more or less to a point where a line drawn Westerly at right angles to the Westerly limit of Sanders Street from a point therein distant 360' Southerly from the place of commencement would intersect the said Southerly limit of Lot No. 28 aforesaid; thence Easterly at right angles to the Westerly limit of Sanders Street 70' more or less to the Westerly limit of Sanders Street and thence Northerly along the Westerly limit of Sanders Street 360' to the place of beginning; save and except the Westerly 10' of Lot No. 28 aforesaid. 9 lots, each 40' x 110' 9".....	137	9 houses
Part Lots Nos. 10, 11 and 12 on the East side of East Street, according to Registered Plan No. 137, and more particularly described as: Commencing at a point in the Easterly limit of East Street distant 382' 3" Southerly along the said limit from its intersection with the Southerly limit of the Hamilton Road; thence Easterly at right angles to the Easterly limit of East Street 110' 9" more or less to the Easterly limit of Lot No. 11 aforesaid; thence Northerly along the Easterly limits of Lots Nos. 11 and 10 aforesaid 120'; thence Westerly in a straight line at right angles to the Easterly limit of East Street 110' 9" more or less to the Easterly limit of East Street and thence Southerly along the Easterly limit of East Street 120' to the place of beginning. 3 lots, each 40' x 110' 9".....	137	3 houses
Total of 50 houses		

SCHEDULE C

BY-LAW No. A.-1985-304

RESPECTING THE UNIVERSITY OF WESTERN ONTARIO

WHEREAS The Board of Governors of the University of Western Ontario has undertaken a building scheme for the erection of necessary buildings for the University of Western Ontario, for which the sum of \$2,500,000.00 will be expended in and adjacent to the City of London over a period of ten years;

AND WHEREAS The Board of Governors of the University of Western Ontario has requested The Corporation of the City of London to contribute to the said building scheme the sum of \$500,000.00;

AND WHEREAS it is expedient for The Corporation of the City of London to make the said contribution in the manner and upon the terms and conditions hereinafter set forth;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of London as follows:

1. The Corporation of the City of London will levy upon the rateable property in the City of London the sum of \$83,333.33 in each of the years 1946 to 1951, both inclusive, and will pay the said sum to The Board of Governors of the University of Western Ontario from time to time as The Board of Governors of the University of Western Ontario establishes to the satisfaction of the Treasurer of the Corporation the progress of the said building scheme.

2. The Board of Governors of the University of Western Ontario shall expend the said moneys for the purpose of the construction of buildings only in and adjacent to the said City of London and shall not expend the said moneys for any other purpose whatsoever.

3. The following question shall be submitted for the opinion of the municipal electors on the third day of December, 1945, namely: "Are you in favour of a grant by The Corporation of the City of London to the University of Western Ontario of \$83,333.33 in each of the years 1946 to 1951, both inclusive, to assist in its building scheme which provides for the expenditure of \$2,500,000.00 for building purposes in and adjacent to the City of London?" If the question receives a favourable opinion of the electors, The Corporation of the City of London will apply to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between The Corporation of the City of London and The Board of Governors of the University of Western Ontario, and declaring the same to be valid and binding on the Corporation and the ratepayers thereof and upon The Board of Governors of the University of Western Ontario.

4. This by-law and the terms and conditions hereof shall not take effect and be binding upon the Corporation unless and until the said electors of the said City of London have given their favourable opinion on the said question, and until confirmed and validated by an Act of the Legislature of the Province of Ontario, as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding upon the Corporation and the ratepayers thereof in the same manner and to the same extent as if set out at length in the said Act nor unless and until accepted by The Board of Governors of the University of Western Ontario by an agreement which shall legally bind the parties thereto to perform, observe and comply with the terms and conditions herein contained, and shall be in a form approved by the City Solicitor, and such agreement

when so approved shall be executed under the seal of the Corporation and by the Mayor or Acting Mayor and Clerk.

PASSED in open Council this fifth day of November, A.D. 1945.

NORA TOLL,
Clerk.

W. J. HEAMAN,
Mayor.

(Seal

BILL

An Act respecting the City of London

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. PATRICK

(*Private Bill*)

No. 14

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of London.

MR. PATRICK

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London has ^{Preamble.} by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreements made between The Corporation of the City of London and His Majesty, the King, in right of Canada ^{Housing agreements validated.} and Wartime Housing Limited, set forth as schedules A and B hereto, are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof, and the said Corporation is hereby authorized and empowered to carry out its obligations and to enjoy its rights, powers and privileges under the terms of the said agreements, provided that nothing in this section, nor in the said agreements contained shall in any way limit or affect any rights of the Corporation with respect to personal charges for health services.
2. By-law number A1985-304 of the Corporation of the City of London, passed on the 5th day of November, 1945, ^{By-law A1985-304 validated.} set forth as schedule C hereto, is hereby ratified and confirmed, and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof, and the Corporation is hereby authorized and empowered to carry out its obligations and to enjoy its rights, powers and privileges under the terms of the said by-law and under the provisions of the agreement provided to be entered into thereunder with The Board of Governors of the University of Western Ontario, which agreement, when entered into, shall be legal, valid and binding upon the Corporation and the ratepayers thereof and The Board of Governors of the University of Western Ontario.
3. The Corporation of the City of London is hereby au- ^{Power to sell lands to veterans, etc.}thorized and empowered to sell to members and veterans of

the Armed Forces, and widows of deceased members and veterans thereof, at nominal considerations, lands no longer required for its purposes, for the purpose of assisting the said members, veterans and widows to erect dwellings and all such sales heretofore or hereafter made are ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Power to
sell lands to
contractors
for veterans'
dwellings.

4. The Corporation of the City of London is hereby authorized and empowered to sell to contractors, at nominal considerations, lands no longer required for its purposes, to assist contractors to construct dwellings for sale to members and veterans of the Armed Forces, and widows of deceased members and veterans thereof, and all such sales heretofore or hereafter made are ratified and confirmed and declared to be legal, valid and binding upon the Corporation and the ratepayers thereof.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of London Act, No. 2, 1946.*

SCHEDULE A

THIS AGREEMENT made in triplicate, this Nineteenth day of June, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the City)

OF THE FIRST PART;

HIS MAJESTY, THE KING, IN RIGHT OF CANADA, herein represented by the Honourable, the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called His Majesty)

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a company incorporated under The Dominion Companies Act, pursuant to the provisions of The Department of Munitions and Supply Act, being Statutes of Canada, 4 George VI, chapter 3, as amended (hereinafter called the Company)

OF THE THIRD PART:

WHEREAS the City is the registered owner, in fee simple, of various parcels of vacant land within the limits of the Municipality of the City of London, situate on public streets having sidewalks, water mains and sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said Municipality and the City, being desirous of taking steps to alleviate such shortage, has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent, and for the purposes, and upon the terms and conditions all as hereinafter set forth, upon the condition that the City convey to His Majesty the land necessary to provide such additional accommodation, which the City has agreed to do for the consideration and upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this agreement, and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto hereby mutually covenant and agree as follows:

1. The City shall convey to His Majesty, in fee simple, free and clear from all encumbrances, including taxes and local improvements rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are set forth in the schedule hereto annexed marked "A" (such parcels of land and such schedule being hereinafter referred to respectively as the building lots and the schedule), by deeds or transfers approved by the solicitor for His Majesty.

2. His Majesty, in consideration of the conveyance provided for in the next preceding clause, shall pay or cause to be paid to the City the sum of One dollar for each of the building lots, such sum to be paid upon the execution and delivery of the deed or transfer of each such portion.

3. Upon the execution and delivery of the conveyances provided for in clause 1 hereof His Majesty, or the Company, shall:

(a) At his or its own cost and expense proceed forthwith to erect on each of the building lots so conveyed and set forth in the schedule, a house

of such type as His Majesty, in his sole discretion, may deem advisable, to cost on the average approximately Three thousand, eight hundred dollars each, to be of frame construction on cement blocks or solid concrete foundation, to consist of any of the three types of houses shown on the plans of the Company, numbers H. 1, H. 5, drawing numbers 1-6 inclusive; numbers H. 12, H. 15, drawings 1-7, inclusive and H. 21, H. 23, drawings numbers 1-6 inclusive, and to be constructed in accordance with the specifications of the Company, dated the 12th day of July, 1944, subject to the availability of the several materials and to the provisions of wartime regulations (which plans and specifications are filed with the City Clerk) to be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and to be so erected and equipped with all due diligence and expedition (such houses being hereinafter referred to as "the houses") and

(b) Install under the supervision, and to the satisfaction of the City Engineer of the City, all necessary water services and private drain connections from the water mains and sewers of the City to the houses, or the City shall make such installations and His Majesty or the Company shall pay to the City its costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost to be conclusive evidence of the same and to be final and binding on the parties hereto. Provided that such installations shall in all cases include such re-laying of the pavement on the street destroyed in effecting such installations as in the opinion of the said City Engineer shall be necessary and proper. Provided also, and it is hereby expressly declared and agreed by and between the parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company, and shall thereafter be maintained and repaired by the City at its own cost and expense, except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively (to soldiers, sailors or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependants and to the dependants of any soldier, sailor or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war), at rents ranging from Twenty-two dollars to Thirty dollars per month per house; Provided, however, that whenever and so often as during the currency of this agreement any of the houses is or becomes vacant and there are no applications of any such soldier, sailor, airman or dependants acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall determine. And it is hereby expressly declared and agreed by and between the parties hereto that all water and electric current supply rates or charges in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company, at their own cost and expense, shall undertake and carry out the management and control of the houses and all appurtenances thereto belonging and shall at all times during the currency of this agreement, well and sufficiently repair, maintain, amend and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest acts of God and His Majesty's enemies only excepted.

6. His Majesty and/or the Company shall pay to the City on the 31st day of the month of December in each of the years 1945 to 1959, both inclusive, in lieu of taxes on the building lots, the following annual amounts:

(a) The sum of Twenty-four Dollars in respect of each of the houses containing two bedrooms, and

(b) The sum of Thirty dollars in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

7. His Majesty and/or the Company, in addition to the payments provided for in clause 6 hereof, shall pay to the City on the 31st day of December in each of the years 1945 to 1959, both inclusive, the sum of One dollar in respect of each of the houses, in consideration for the street lighting services for the houses to be provided by the City. Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. That in consideration of the payments provided for in clauses 6 and 7 hereof the City shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupiers of the houses while the same are owned by His Majesty. Provided that nothing contained in this clause shall be deemed to limit the right of the City to charge the tenants or occupiers of the houses while the same are owned by His Majesty, public utility rates and/or charges provided for in clause 4 hereof, or to collect from such tenants or occupiers any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the Municipality of the City of London. Nothing in this agreement contained shall limit the right of the Municipality to collect poll tax from any person resident in the living accommodation.

9. This agreement shall only affect such of the houses and lands appurtenant thereto while owned by His Majesty, and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided however that no sale or conveyance shall at any time be made to any person, firm, corporation or body exempt from full or any municipal assessment and taxation at the time of such sale or conveyance. Provided further that in the event of any of the houses and lands appurtenant thereto being sold by His Majesty, His Majesty shall pay to the municipality at the time of such sale the sum of Four hundred dollars in payment of each building lot so sold during the period between the date of this agreement and the 31st day of December, 1950, both days inclusive, and the sum of Two hundred dollars in payment of each building lot so sold during the period between the 1st day of January, 1951, and the 31st day of December, 1955, both days inclusive. Provided further that in the year that any such house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in clauses 6 and 7 hereof shall be pro rated in respect of the portion of the year in which each house and the lands appurtenant thereto cease to be owned by His Majesty, and such lands and houses shall forthwith upon such sale immediately become subject to all taxes and local improvement rates which would be assessed and charged against such lands and houses had it not been for the provisions of this agreement, and the ownership thereof by His Majesty and/or the Company.

10. His Majesty, in consideration of the City entering into and executing these presents, hereby gives to the City an option, irrevocable within the time for acceptance herein limited, to purchase, free from all encumbrances (save and except any encumbrances which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the building lots then owned by His Majesty as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company (such fixtures to include but not so as to limit the generality of the foregoing, heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds) for the sum of One thousand dollars for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of January, 1960 to the 31st day of March, 1960, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Treasurer of the City and sealed with the Corporate seal of the City, mailed, postage prepaid and registered, addressed His Majesty, care of the Company, at 55 York Street, Toronto, stating therein that this option is accepted and by paying to His Majesty

forthwith ten per centum of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty days from the date of acceptance, all adjustments to be made as of the 31st day of March, 1960, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

11. Should the City fail to exercise the option to purchase mentioned in clause 10 hereof, His Majesty shall have the right to sell such of the building lots as are then owned by him without payment to the City of any sum whatsoever on the sale of such lands, and His Majesty and/or the Company, from and after the 1st day of April, 1960, shall pay annually to the City in respect of each of the building lots and buildings thereon, while owned by His Majesty, in lieu of taxes, a sum equal to the amount of taxes, rates and/or assessments, including local improvement rates, that would have been payable in respect of each of the building lots and buildings thereon if the same had been owned by a non-exempt person, company and/or corporation; such sum to be paid to the City on or before the 31st day of December in each year commencing with the year 1960. Provided that such payments in lieu of taxes shall be pro rated in respect of the portion of the year in which each of the building lots ceases to be owned by His Majesty.

12. That any existing or future provisions of the by-laws of the City with respect to the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

13. In the event that any of the houses is damaged by fire or the elements or otherwise prior to the 1st day of April, 1960, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair such damage or completely remove the remains of such damaged house from the portion of the building lots appurtenant thereto. In the event of the removal of such damaged house His Majesty shall convey to the City, in fee simple, free from all encumbrances (save and except any encumbrance which may be registered against such portion of the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the said portion of the building lots, such conveyance to be by a deed or transfer approved by the solicitor for the City.

14. The City, at its own cost and expense, shall take all possible steps to obtain, at the next ensuing session of the Legislature of the Province of Ontario, legislation validating and confirming this agreement and empowering the City to carry out its terms and provisions.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the Presence of:

THE CORPORATION OF THE CITY OF
LONDON

(Signed) D. J. H. FERGUSON,
Presiding Officer. (Seal)

(Signed) NORA TOLL,
Clerk.

HIS MAJESTY, THE KING, IN RIGHT
OF CANADA herein represented by
the Minister of Munitions and
Supply of Canada acting through
Wartime Housing Limited. (Seal)

(Signed) THOMAS GRAY,
(Signed) R. A. NEWCOMBE.

WARTIME HOUSING LIMITED

(Signed) THOMAS GRAY,
(Signed) R. A. NEWCOMBE.

(Seal)

LIST OF LOTS FOR WARTIME HOUSING LIMITED

SCHEDULE A

ALL AND SINGULAR that certain parcel or tract of land and premises, situate, lying and being in the City of London, in the County of Middlesex, and the Province of Ontario, and being composed of—

FIRSTLY the whole of Lots Numbers Fifty-three (53) to Seventy-four (74) inclusive on the west side of Elgin Street, in the City of London, according to Registered Plan No. 526.

SECONDLY the whole of Lots Numbers Thirty-Three (33) to Fifty-two (52) inclusive on the East side of Sanders Street, in the City of London, according to Registered Plan No. 526.

THIRDLY the whole of Lots Numbers Twenty-one (21) to Thirty-one (31) inclusive on the West side of Sanders Street, in the City of London, according to Registered Plan No. 526.

FOURTHLY the whole of Lots Numbers Sixteen (16), Seventeen (17) and Eighteen (18) on the West side of Sanders Street, in the City of London, according to Registered Plan No. 526.

SCHEDULE B

THIS AGREEMENT made in triplicate this 11th day of December, A.D. 1945.

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called "the City")

—and—

OF THE FIRST PART;

HIS MAJESTY THE KING IN RIGHT OF CANADA, herein represented by the Honourable the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called "His Majesty")

—and—

OF THE SECOND PART;

WARTIME HOUSING LIMITED, a Company incorporated under the Dominion Companies Act, pursuant to the provisions of the Department of Munitions and Supply Act (being Statutes of Canada, 4 George VI, Chapter 3, as amended), (hereinafter called "The Company")

OF THE THIRD PART.

WHEREAS the City is the registered owner in fee simple of the various parcels of vacant land within the limits of the municipality of the City of London situate on improved public streets where sidewalks, water mains, sewers and street lighting services will be or have been constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said municipality and the City being desirous of taking steps to alleviate such shortage has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent and upon the terms and conditions all as hereinafter set forth to be known as London Project No. 3, upon the condition that the City shall convey to His Majesty the land necessary to provide such additional accommodation which as appears by a resolution of the Council adopted at a meeting held on the 10th day of December, 1945, the City has agreed to do upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this Agreement and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this Agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the Parties hereto mutually covenant and agree as follows:

1. The City shall convey to His Majesty in fee simple, free and clear from all encumbrances, including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are acceptable to His Majesty and as are set forth in the Schedule hereto annexed marked "A" (such parcels of land and such Schedule being hereinafter referred to respectively as "the building lots" and "the Schedule"), by deeds or transfers approved by the solicitors for His Majesty.

In the event that any of the said Lots are low in contour, the City will provide land fill of a clean and permanent nature sufficient to bring

the level of the lots up to the level of the adjacent sidewalk or street, whichever may be the higher.

2. His Majesty in consideration of the conveyance provided for in the next preceding clause shall pay or cause to be paid to the City the sum of One Dollar (\$1.00) for each of the building lots or each portion thereof upon which His Majesty or the Company erects a house as hereinafter provided, such sum to be paid upon the execution and delivery of the deed or transfer of each building lot or portion thereof.

3. Upon the execution and delivery of the conveyance provided for in clause 1 hereof His Majesty or the Company shall at His or its own cost and expense proceed forthwith:

A. To erect on the building lots so conveyed and set forth in the Schedule, such number of houses as His Majesty in his sole discretion may deem advisable (such houses being hereinafter referred to as "the houses"), at an average cost of approximately (\$4,000.00) each, to be of frame construction on cement blocks or solid concrete foundation to consist of any of the three types of houses shown on the plans of the Company, numbers H. 5, H. 6, drawing numbers 1-6 inclusive; numbers H. 15, H. 16, drawing numbers 1-7 inclusive and H. 45, H. 46, drawing numbers 1-8 inclusive and to be constructed in accordance with the specifications of the Company, dated July 1st, 1945 (which plans and specifications are filed with the Clerk of the City). The houses shall be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and shall be so erected and equipped with all due diligence and expedition. The said constructing and equipping is subject to the availability of the several materials and equipment and to the provisions of wartime regulations; and

B. To install all necessary water services and private drain connections from the water mains and sewers of the City to the houses (the installations of the portions of such connections from the water mains and sewers of the City to the lot lines to be under the supervision of and satisfactory to the Engineer of the City), or the City shall make such installations and His Majesty or the Company shall pay to the City its reasonable and proper costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost shall in the absence of fraud or mistake be conclusive evidence of the same and shall be final and binding on the Parties hereto; Provided that such installations shall in all cases include such relaying of street pavement as shall be required after and as a result of effecting such installations as in the honest opinion of the said City Engineer shall be necessary; Provided also, and it is hereby expressly declared and agreed by and between the Parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company and shall thereafter be maintained and repaired by the City at its own cost and expense except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction or maintenance of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in Clause 3 hereof provided, the Company shall during the period from the 1st day of May 1946, to the 30th day of April, 1961, lease the houses and lands appurtenant thereto respectively, to sailors, soldiers, or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependants and to the dependants of any sailor, soldier or airman of such forces who is on general service outside Canada or who has been killed on active service in such war, at rents ranging from Twenty-two Dollars (\$22.00) to Thirty Dollars (\$30.00) per month per house; Provided, however, that whenever and so often as any of the houses is or becomes vacant and there are no applications of any such sailor, soldier or airman, or dependants thereof acceptable to and filed with the Company, the Company shall have the right to lease the same at the

rents aforesaid to whomever it shall in its uncontrolled discretion determine; And it is hereby expressly declared and agreed by and between the parties hereto that all water, gas and electric current supply charges or rates in respect to the houses, shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company at their own cost and expense, shall during the period referred to in Clause 4 hereof, undertake and carry out the management and control of the houses and appurtenances thereto belonging and shall at all times during such period well and sufficiently repair, maintain and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. The City covenants and agrees to furnish to the houses and to the tenants thereof all such facilities, privileges and services of the City as are furnished or made available to other properties or property owners and tenants in the City including without limiting the generality of the foregoing, fire protection, police protection and schools. The City covenants and agrees that the services to be provided under this clause and clause 3B. preceding will be provided by the City in time to permit of the occupancy of the houses as soon as house construction has advanced sufficiently to permit occupancy by tenants.

7. His Majesty and/or the Company shall pay to the City on the 1st day of the month of October in each of the years 1946 to 1961, both inclusive, for services rendered and privileges and facilities made available the sum of Twenty-four Dollars (\$24.00) in respect of each of the houses containing two bedrooms and the sum of Thirty Dollars (\$30.00) in respect of each of the houses containing more than two bedrooms; Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. His Majesty and/or the Company in addition to the payments provided for in Clause 7 hereof shall pay to the City on the 1st day of the month of October in each of the years 1946 to 1961 both inclusive, the sum of One Dollar (\$1.00) in respect of each of the houses in consideration for the street lighting services to be supplied by the City for the houses; Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

9. In consideration of the payments provided for in Clauses 7 and 8 hereof the City agrees not to levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupants of the houses while the same are owned by His Majesty; Provided that nothing contained in this Clause shall be deemed to limit the right of the City to charge the tenants or occupants of the houses while the same are owned by His Majesty, the public utility rates, and other charges provided for in Clause 4 hereof, or to collect from such tenants or occupants any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the City of London.

Nothing in this Agreement contained shall limit the right of the City of London to collect poll tax from any person resident in the houses.

10. Notwithstanding anything contained in this agreement the provisions herein except Clause 13 hereof shall only affect the houses and lands appurtenant thereto while owned by His Majesty and His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided, however, that whenever and so often during the period from the date hereof to the 30th day of April, 1951 (both dates inclusive) as His Majesty shall sell or transfer any of the houses and lands appurtenant thereto, His Majesty and/or the Company shall pay to the City the sum of Four Hundred Dollars (\$400.00) in respect of the lands appurtenant to each house so sold; And provided that whenever during the period from the 1st day of May, 1951 to the 30th day of April, 1956 (both dates in-

clusive) as His Majesty shall sell or transfer any of the houses and land appurtenant thereto His Majesty and/or the Company shall pay to the City the sum of Two Hundred Dollars (\$200.00) in respect of the land appurtenant to each house so sold. PROVIDED FURTHER that in the year in which any house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in Clauses 7 and 8 hereof shall be pro rated proportionately to the part of the year during which His Majesty was owner of such house or houses and the lands appurtenant thereto.

11. His Majesty in consideration of the City entering into and executing these presents, hereby gives to the City an option irrevocable within the time for acceptance herein limited to purchase free from all encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lots owned by His Majesty on May 1st, 1961, as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company for the sum of One Thousand Dollars (\$1,000.00) for each of the building lots together with the house and appurtenances. The option hereby given shall be open for acceptance at any time from the 1st day of May, 1961, to the 31st day of July, 1961, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Clerk of the City sealed with the Corporate Seal of the City mailed postage prepaid and registered, addressed to His Majesty in care of the Company at 55 York Street, Toronto (or such other address as may be designated by His Majesty or the Company in writing), stating in such letter that this option is accepted and enclosing therewith an accepted cheque payable to the order of His Majesty in the amount of ten per centum (10%) of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty (60) days from the date of acceptance, all adjustments to be made as of the 31st day of July, 1961, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfer approved by the solicitor for the City.

12. His Majesty and/or the Company from and after the 1st day of May, 1961, shall pay annually to the City in respect of each house and the land appurtenant thereto while owned by His Majesty for services rendered and privileges and facilities made available, a sum equal to the amount of the taxes, rates and/or assessments, including local improvement rates, that would be payable in respect thereof if the same were owned by a non-exempt person, company and/or corporation. Such sum shall be paid to the City on or before the 31st day of December in each year commencing with the year 1961; provided that such payments shall be pro-rated in respect of the portion of the year in which each of the said houses and lands appurtenant thereto ceases to be owned by His Majesty.

13. Any existing or future provisions of the charter and/or by-laws of the City respecting the manner, mode, location and type of construction of buildings erected in accordance with the terms hereof shall not apply to any of the houses whether owned by His Majesty or otherwise.

14. In the event that any of the houses while owned by His Majesty are damaged by fire or the elements or otherwise prior to the 1st day of August, 1961, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair or rebuild such house or completely remove the remains of such damaged house from the building lot or portion thereof appurtenant thereto. In the event of the removal of such damaged house His Majesty shall for the nominal sum of One Dollar convey to the City in fee simple free from all encumbrances (save and except any encumbrances which may be registered against such building lot or portion thereof at the time of the delivery of the deeds or transfers provided for in Clause 1 hereof) the building lot or portion thereof formerly appurtenant to such house. Such conveyance shall be by a deed or transfer approved by the solicitor of the City.

15. In the event that the actual average cost per house shall exceed or be less than the said estimated average cost of \$4,000.00 per house

referred to in Clause 3 hereof, then the period referred to in Clause 4 hereof shall be extended by one year for and in respect of each full \$200 by which said actual average cost per house exceeds said estimated average cost or be reduced by one year for and in respect of each full \$200 by which said actual average cost per house is less than said estimated average cost, and, in particular, the year "1961" wherever it appears in Clauses 4, 7 and 8 hereof and the year "1961" wherever it appears in Clauses 11, 12 and 14 hereof shall be reduced or increased, as the case may be, by the number of years by which the period referred to in Clause 4 hereof is so extended or reduced as aforesaid.

16. The City at its own cost and expense shall take all possible steps to obtain at the next ensuing session of the Legislature of the Province of Ontario legislation validating and confirming this Agreement.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the Presence of:

THE CORPORATION OF THE CITY OF LONDON

per W. J. HEAMAN,

Mayor.

per NORA TOLL,

Clerk.

(Seal)

HIS MAJESTY, THE KING, IN RIGHT OF CANADA herein represented by the Minister of Munitions and Supply of Canada acting through Wartime Housing Limited.

per THOMAS GRAY,

per R. A. NEWCOMBE.

(Seal)

WARTIME HOUSING LIMITED

per THOMAS GRAY,

per R. A. NEWCOMBE.

(Seal)

Schedule A

Description	Registered Plan No.	Houses
Lots 16 to 22, inclusive, on West Delaware Avenue, each 34' x 100', making 5 lots 39' each, 1 lot 43'.		
Lots 33 to 39, inclusive, on East Delaware Avenue, each 35' x 100', making 5 lots 40' each, 1 lot 45'.		
Lot No. 99 East Madison Avenue, 40' x 113' 10 1/2" . . .	528	12 houses
Lots Nos. 58 to 62, inclusive, West Pine Lawn Avenue and Lot No. 2 West Pine Lawn Avenue, total width on the square 286' 4", making 6 lots of 40' frontage each and 1 lot of 46' 4" frontage.	513	1 house
Lot No. 41 East Pine Lawn Avenue, 48' x 98' 10 1/2" . .	524	7 houses
Lots Nos. 45, 46 and 47 East Pine Lawn Avenue and Lot No. 3 East Pine Lawn Avenue, total width on square 190' 4", making 3 lots of 47' frontage each, 1 lot 49' 4"	513	1 house
Lots Nos. 17 and 11 West East Street, each 40' x 113' 10 1/2"	524	4 houses
Lots Nos. 15, 16 and 17 West Sanders Street, each 33' x 106' 6", making a 99' frontage or 2 lots 49' 6" each . .	513	2 houses
Lot No. 16 East Elgin Street, 35' x 106' 6" and Lot No. 17 East Elgin Street, 62' x 106' 6" (this lot is 64' 0 3/4" at rear), total frontage 97', or 2 lots 48' 6" each	511	2 houses
Lots Nos. 69 and 70 East Elgin Street, each 33' x 106' 6" and Lot No. 71 East Elgin Street, 30' x 106' 6", total frontage 96', or 2 lots each 48' x 106' 6"	519	2 houses
	511	2 houses

Description	Registered Plan No.	Houses
Lot No. 65 and Northerly 16' 6" of Lot No. 64 on the East side of Elgin Street, 33' plus 16' 6" makes 1 lot 49' 6" x 106' 6"		
Lots Nos. 14 and 15 East Sanders Street, each 35' x 110' 8½". Lot No. 13 East Sanders Street, 24' 1" frontage x 110' 8½", extending to a width of 95' at the rear. Part of Lot No. 34 East Sanders Street, 57' 3" x 129' 2", being the northerly 57' 3" of this lot, total frontage 151' 4", making three lots 38' x 110' 8½" each and 1 lot 37' 4" x 110' 8½" extending to 108' 3" width at rear.	511	1 house
Lots Nos. 24 to 27, inclusive, and part of Lots 23 and 28 on the West side of Sanders Street, according to Registered Plan No. 137, and described as: Commencing at a point in the Westerly limit of Sanders Street distant 420' Southerly along the said limit from its intersection with the Southerly limit of the Hamilton Road; thence Westerly at right angles to Sanders Street 110' 9" more or less to the Easterly limit of Lot No. 23 aforesaid; thence Southerly along the Westerly limits of Lots No. 23 to 28 inclusive, to the South-westerly angle of the said Lot No. 28; thence Easterly, along the Southerly limit of the said Lot No. 28, 35' more or less to a point where a line drawn Westerly at right angles to the Westerly limit of Sanders Street from a point therein distant 360' Southerly from the place of commencement would intersect the said Southerly limit of Lot No. 28 aforesaid; thence Easterly at right angles to the Westerly limit of Sanders Street 70' more or less to the Westerly limit of Sanders Street and thence Northerly along the Westerly limit of Sanders Street 360' to the place of beginning; save and except the Westerly 10' of Lot No. 28 aforesaid. 9 lots, each 40' x 110' 9"	541	
Part Lots Nos. 10, 11 and 12 on the East side of East Street, according to Registered Plan No. 137, and more particularly described as: Commencing at a point in the Easterly limit of East Street distant 382' 3" Southerly along the said limit from its intersection with the Southerly limit of the Hamilton Road; thence Easterly at right angles to the Easterly limit of East Street 110' 9" more or less to the Easterly limit of Lot No. 11 aforesaid; thence Northerly along the Easterly limits of Lots Nos. 11 and 10 aforesaid 120'; thence Westerly in a straight line at right angles to the Easterly limit of East Street 110' 9" more or less to the Easterly limit of East Street and thence Southerly along the Easterly limit of East Street 120' to the place of beginning. 3 lots, each 40' x 110' 9"	137	4 houses
	137	9 houses
	137	3 houses
Total of 50½ houses		

SCHEDULE C

BY-LAW No. A.-1985-304

RESPECTING THE UNIVERSITY
OF WESTERN ONTARIO

WHEREAS The Board of Governors of the University of Western Ontario has undertaken a building scheme for the erection of necessary buildings for the University of Western Ontario, for which the sum of \$2,500,000.00 will be expended in and adjacent to the City of London over a period of ten years;

AND WHEREAS The Board of Governors of the University of Western Ontario has requested The Corporation of the City of London to contribute to the said building scheme the sum of \$500,000.00;

AND WHEREAS it is expedient for The Corporation of the City of London to make the said contribution in the manner and upon the terms and conditions hereinafter set forth;

BE IT THEREFORE ENACTED by the Municipal Council of The Corporation of the City of London as follows:

1. The Corporation of the City of London will levy upon the rateable property in the City of London the sum of \$83,333.33 in each of the years 1946 to 1951, both inclusive, and will pay the said sum to The Board of Governors of the University of Western Ontario from time to time as The Board of Governors of the University of Western Ontario establishes to the satisfaction of the Treasurer of the Corporation the progress of the said building scheme.
2. The Board of Governors of the University of Western Ontario shall expend the said moneys for the purpose of the construction of buildings only in and adjacent to the said City of London and shall not expend the said moneys for any other purpose whatsoever.
3. The following question shall be submitted for the opinion of the municipal electors on the third day of December, 1945, namely: "Are you in favour of a grant by The Corporation of the City of London to the University of Western Ontario of \$83,333.33 in each of the years 1946 to 1951, both inclusive, to assist in its building scheme which provides for the expenditure of \$2,500,000.00 for building purposes in and adjacent to the City of London?" If the question receives a favourable opinion of the electors, The Corporation of the City of London will apply to the Legislature of the Province of Ontario for legislation confirming and ratifying this by-law and the agreement to be entered into between The Corporation of the City of London and The Board of Governors of the University of Western Ontario, and declaring the same to be valid and binding on the Corporation and the ratepayers thereof and upon The Board of Governors of the University of Western Ontario.
4. This by-law and the terms and conditions hereof shall not take effect and be binding upon the Corporation unless and until the said electors of the said City of London have given their favourable opinion on the said question, and until confirmed and validated by an Act of the Legislature of the Province of Ontario, as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding upon the Corporation and the ratepayers thereof in the same manner and to the same extent as if set out at length in the said Act nor unless and until accepted by The Board of Governors of the University of Western Ontario by an agreement which shall legally bind the parties thereto to perform, observe and comply with the terms and conditions herein contained, and shall be in a form approved by the City Solicitor, and such agreement

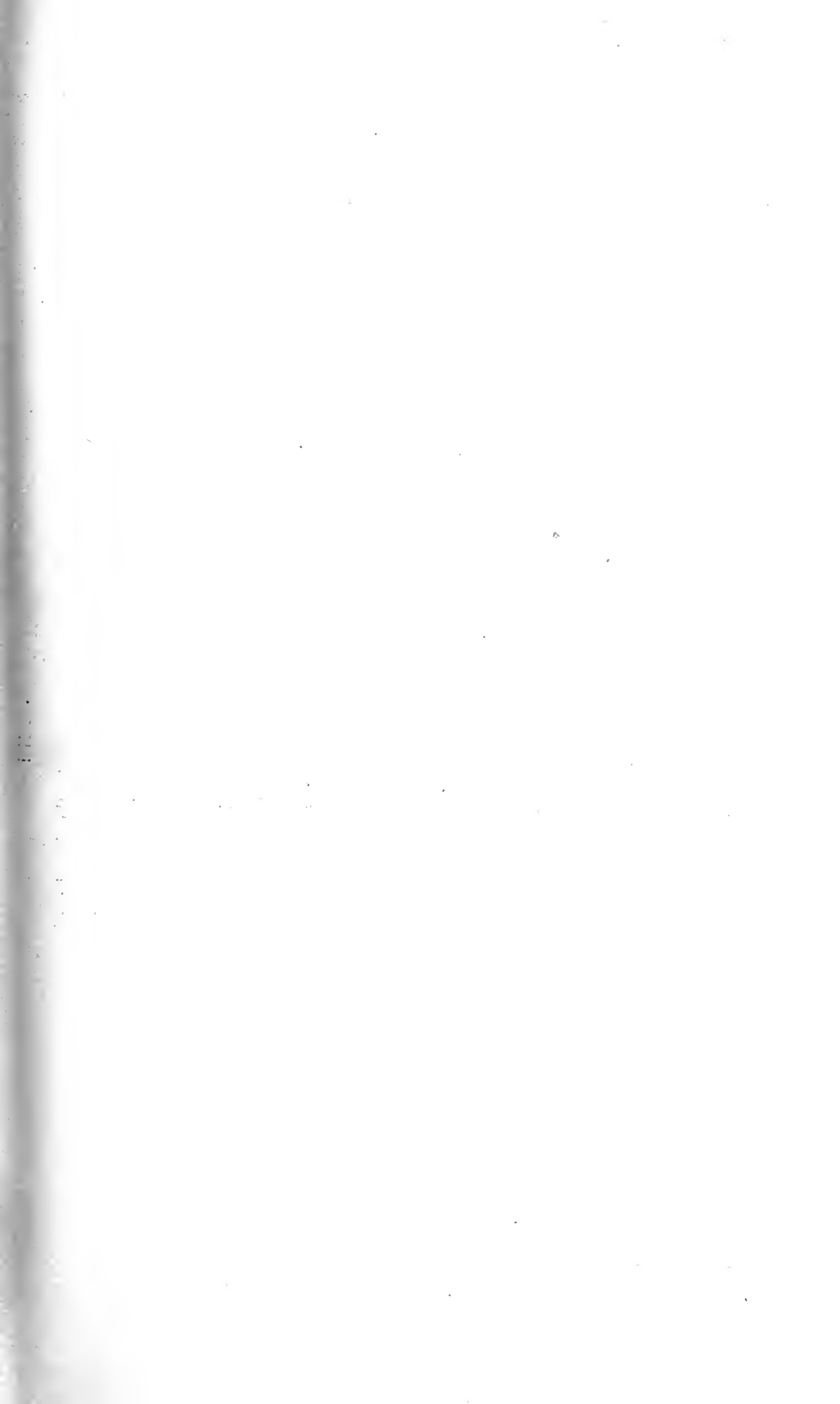
when so approved shall be executed under the seal of the Corporation and by the Mayor or Acting Mayor and Clerk.

PASSED in open Council this fifth day of November, A.D. 1945.

NORA TOLL,
Clerk.

W. J. HEAMAN,
Mayor.

(Seal)



Bill
An Act respecting the City of London

1st Reading

March 19th, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. PATRICK

No. 15

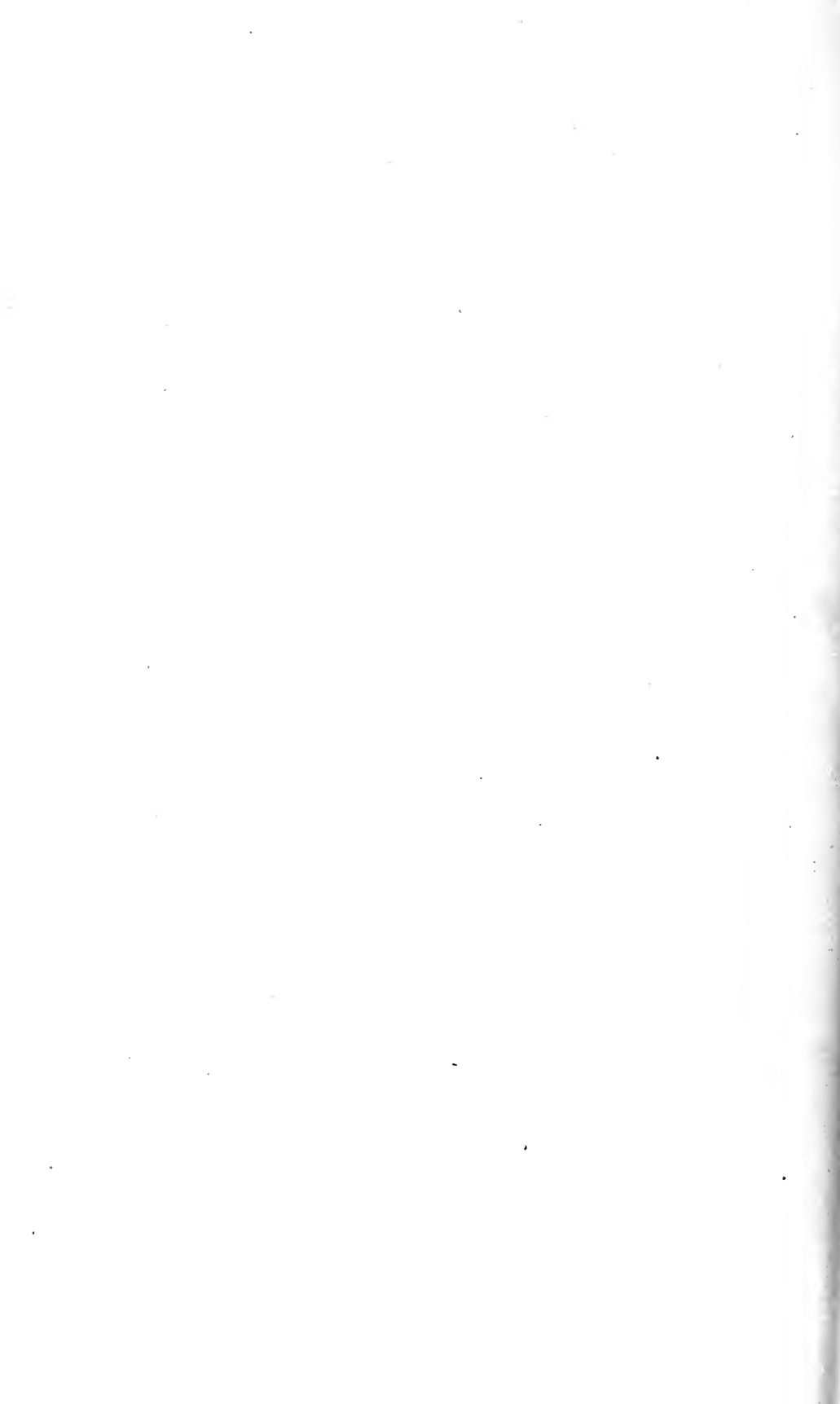
2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Village of Forest Hill.

MR. SALE

(PRIVATE BILL)



No. 15

1946

BILL

An Act respecting the Village of Forest Hill.

WHEREAS the Corporation of the Village of Forest Hill ^{Preamble.} has by its petition prayed for special legislation to establish a high school district for the area of the Village and a municipal board of education and to amend *The Village of Forest Hill Act, 1934*; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. From and after the 1st day of November, 1946, the area known as The Corporation of the Village of Forest Hill shall be a high school district. ^{Forest Hill Village area to be a high school district.}

2.—(1) There shall be a municipal board of education to be known as "The Board of Education for the Corporation of the Village of Forest Hill" which shall have and possess all the powers and perform all the duties which are by *The Boards of Education Act* or by any other Act conferred or imposed upon a public school board or a high school board. ^{Board of Education. Rev. Stat., c. 361.}

(2) The Board of Education for the Corporation of the Village of Forest Hill shall be composed of the number of members prescribed by *The Boards of Education Act* for a municipal board in a village, and the elective members thereof shall be elected at the next ensuing municipal election of the Village and the member or members to be appointed shall thereupon be appointed and the Board organized in accordance with the said Act. ^{Composition of Board.}

3. Save as herein provided, *The Boards of Education Act* shall, where applicable, apply to The Village of Forest Hill high school district and to the Board of Education for the Corporation of the Village of Forest Hill. ^{Rev. Stat., c. 361 to apply.}

4. Subsection 2 of section 3 of *The Village of Forest Hill Act, 1934*, is amended by inserting after the word "purchase" ^{1934, c. 75, s. 3, subs. 2, amended.}

in the second line the words "or by expropriation", so that the said subsection shall now read as follows:

Acquisition
of factory,
etc., lands.

- (2) The council of the said corporation may pass by-laws to acquire by purchase or by expropriation from the owner thereof any land owned, occupied or held for manufacturing or business purposes and situate in any defined area in the said village in respect of which a by-law has been passed and approved by the Ontario Municipal Board under the authority of section 398 of *The Municipal Act*.

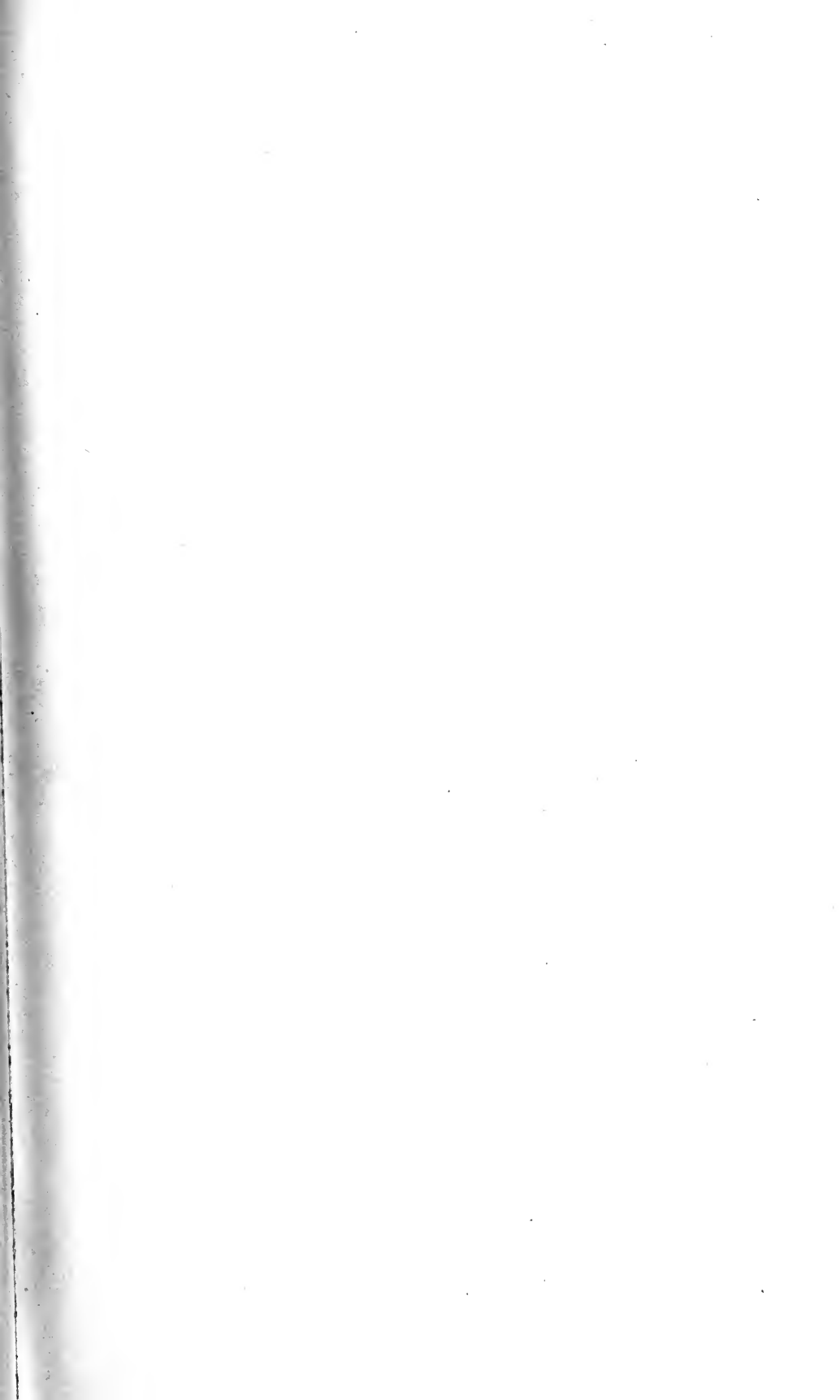
Rev. Stat.,
c. 266.

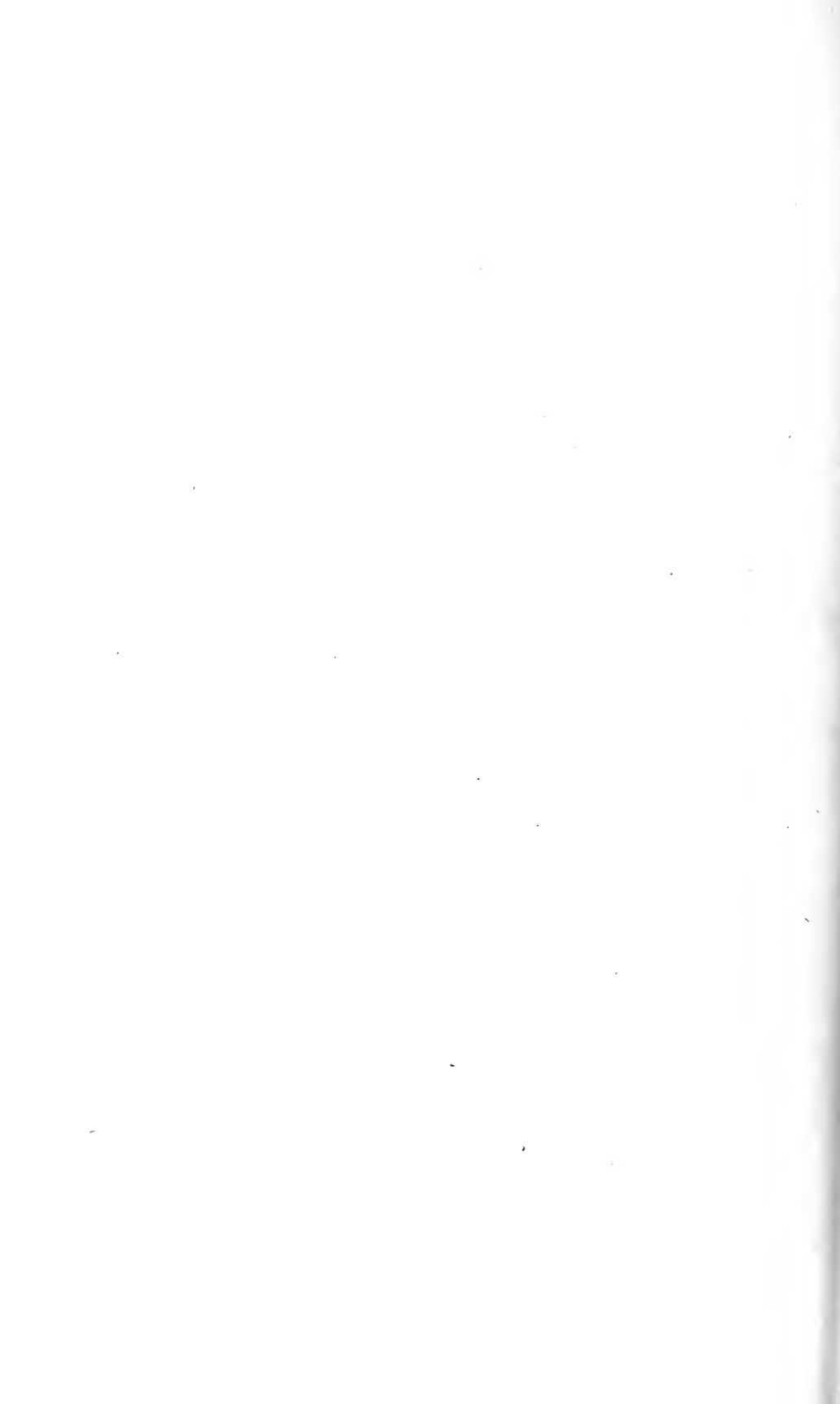
Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Village of Forest Hill Act, 1946*.





An Act respecting the Village of Forest Hill.

1st Reading

2nd Reading

3rd Reading

MR. SALE

(Private Bill)

No. 15

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Village of Forest Hill.

Mr. SALE

BILL

An Act respecting the Village of Forest Hill.

WHEREAS the Corporation of the Village of Forest Hill Preamble.
has by its petition prayed for special legislation to
establish a high school district for the area of the Village and a
municipal board of education and to amend *The Village of
Forest Hill Act, 1934*; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. From and after the 1st day of November, 1946, the Forest Hill
Village area
to be a
high school
district.
area known as The Corporation of the Village of Forest Hill
shall be a high school district.

2.—(1) There shall be a municipal board of education to Board of
Education.
be known as "The Board of Education for the Corporation of
the Village of Forest Hill" which shall have and possess all
the powers and perform all the duties which are by *The Boards
of Education Act* or by any other Act conferred or imposed
upon a public school board or a high school board. Rev. Stat.,
c. 361.

(2) The Board of Education for the Corporation of the Composition
of Board.
Village of Forest Hill shall be composed of the number of
members prescribed by *The Boards of Education Act* for a
municipal board in a village, and the elective members thereof
shall be elected at the next ensuing municipal election of the
Village and the member or members to be appointed shall
thereupon be appointed and the Board organized in accordance
with the said Act.

3. Save as herein provided, *The Boards of Education Act* Rev. Stat.,
c. 361
shall, where applicable, apply to The Village of Forest Hill to apply.
high school district and to the Board of Education for the
Corporation of the Village of Forest Hill.

4. Subsection 2 of section 3 of *The Village of Forest Hill* 1934, c. 75,
s. 3, subs. 2,
Act, 1934, is amended by inserting after the word "purchase" amended.

in the second line the words "or by expropriation", so that the said subsection shall now read as follows:

Acquisition
of factory,
etc., lands.

- (2) The council of the said corporation may pass by-laws to acquire by purchase or by expropriation from the owner thereof any land owned, occupied or held for manufacturing or business purposes and situate in any defined area in the said village in respect of which a by-law has been passed and approved by the Ontario Municipal Board under the authority of section 398 of *The Municipal Act*.

Rev. Stat.,
c. 266.

Commence-
ment of Act.

5. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Village of Forest Hill Act, 1946*.

An Act respecting the Village of Forest Hill.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

April 1st, 1946

MR. SALE

No. 16

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Welland.

MR. LEWIS

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Welland.

WHEREAS the Corporation of the City of Welland has ^{Preamble.} by its petition prayed for special legislation enabling the Corporation to deal with surpluses which have arisen in its sinking funds and as to the investment and expenditure of such sinking funds and the transfer thereto of unrequired balances of debenture issues; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the City of Welland may upon the certificate of the treasurer that a surplus has arisen in the general administration of its sinking funds as a whole after full and adequate provision has been made for the individual sinking fund of all debenture debts, as required by by-laws constituting them, use any such surplus, or any part thereof for such general purposes of the Corporation as may be approved from time to time by the council of the Corporation and the Ontario Municipal Board.

2. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

3. This Act may be cited as *The City of Welland Act, 1946*. ^{Short title.}

An Act respecting the City of Welland.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. LEWIS

(*Private Bill*)

No. 17

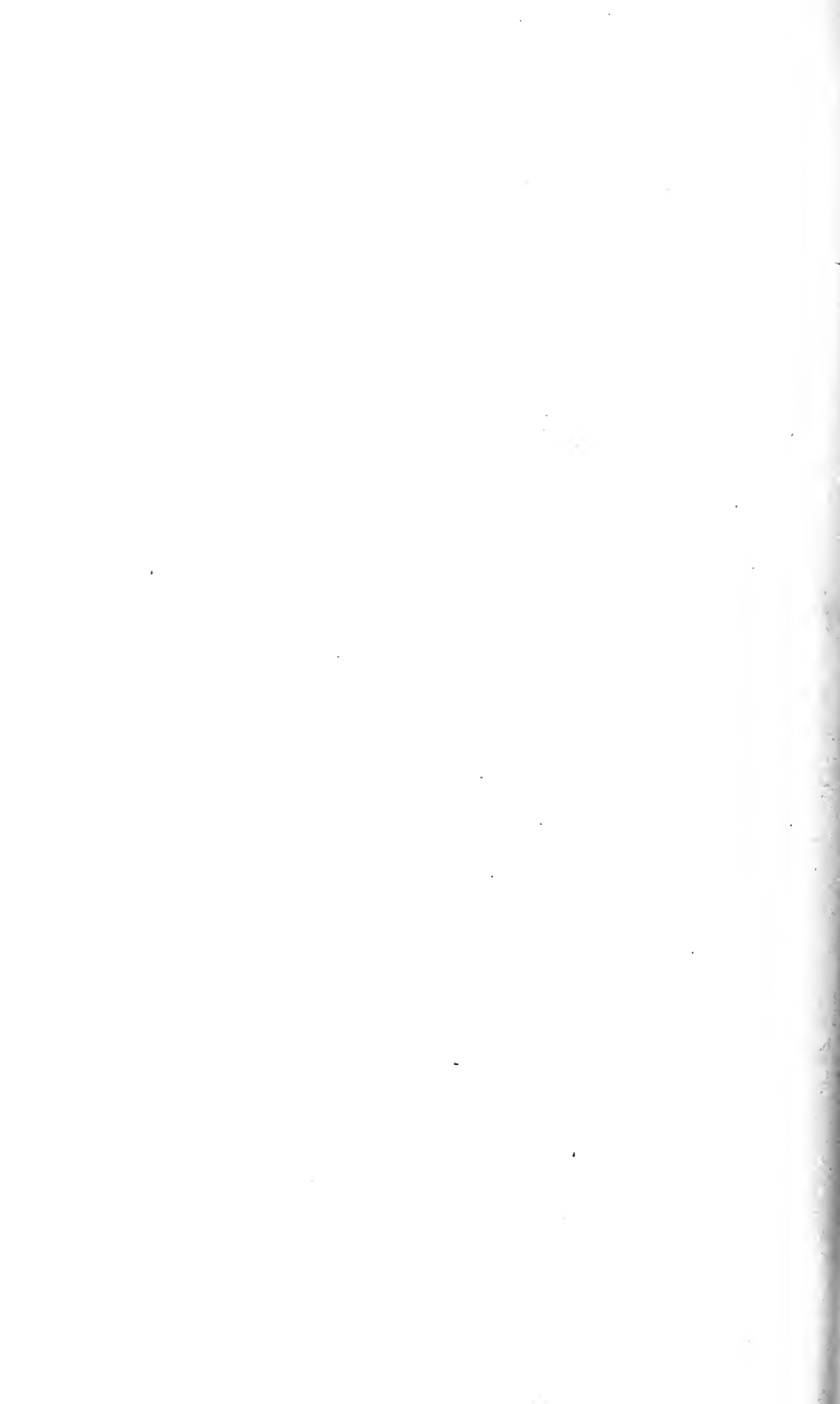
2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Brockville General Hospital and the Fulford
Home for Aged Women.

MR. REYNOLDS

(PRIVATE BILL)



BILL

An Act respecting the Brockville General Hospital
and the Fulford Home for Aged Women.

WHEREAS Brockville General Hospital has by its Preamble.
petition prayed for special legislation enabling it to
invest the trust funds held by it for the purpose of maintaining
the Fulford Home for indigent Protestant old women in
investments authorized for the investment of funds of Cana-
dian life insurance companies; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Brockville General Hospital and its agents and trustees Investment
of Fulford
Home funds.
are hereby authorized to invest the fund bequeathed to it by
the late Honourable George Taylor Fulford for the purpose of
establishing and maintaining a home for indigent Protestant
old women in or in the purchase of any securities in which any
Canadian life insurance company is permitted to invest.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The Brockville General Hospital* Short title.
Act, 1946.

and the Brockville General
Hospital and the Fulford Home for
Aged Women.

1st Reading

2nd Reading

3rd Reading

MR. REYNOLDS

(Private Bill)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Brockville General Hospital and the Fulford
Home for Aged Women.

MR. REYNOLDS

No. 17

1946

BILL

An Act respecting the Brockville General Hospital
and the Fulford Home for Aged Women.

WHEREAS Brockville General Hospital has by its Preamble.
petition prayed for special legislation enabling it to
invest the trust funds held by it for the purpose of maintaining
the Fulford Home for indigent Protestant old women in
investments authorized for the investment of funds of Cana-
dian life insurance companies; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Brockville General Hospital and its agents and trustees Investment
of Fulford
Home funds.
are hereby authorized to invest the fund bequeathed to it by
the late Honourable George Taylor Fulford for the purpose of
establishing and maintaining a home for indigent Protestant
old women in or in the purchase of any securities in which any
Canadian life insurance company is permitted to invest.

2. This Act shall come into force on the day upon which it Commence-
ment of Act.
receives the Royal Assent.

3. This Act may be cited as *The Brockville General Hospital* Short title.
Act, 1946.

An Act respecting the Brockville General
Hospital and the Fulford Home for
Aged Women.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

April 1st, 1946

MR. REYNOLDS

No. 18

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

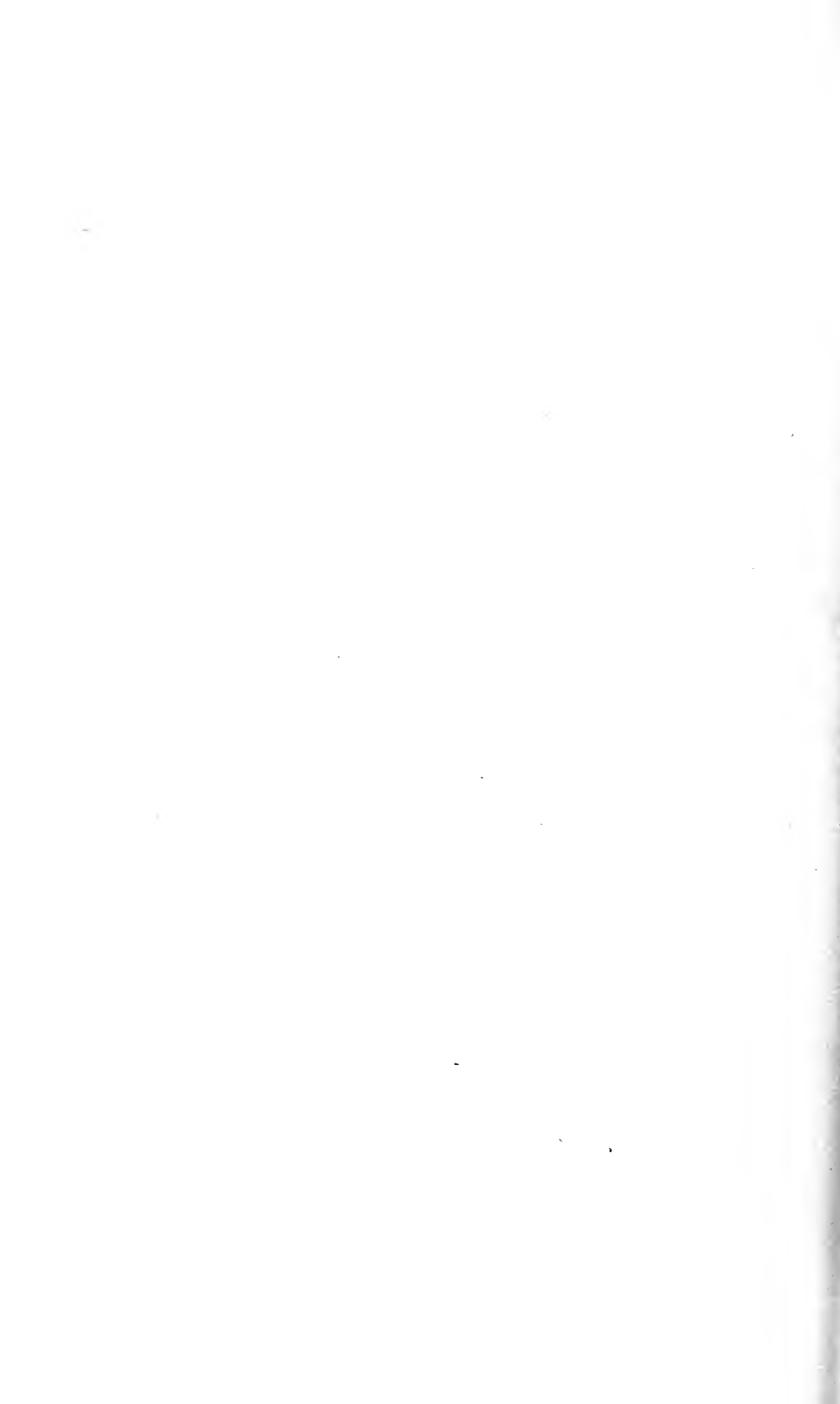
BILL

An Act respecting the City of Sarnia.

MR. CATHCART

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the City of Sarnia.

WHEREAS the Corporation of the City of Sarnia has by Preamble.
its petition prayed for special legislation to authorize
the granting of a fixed assessment on a hotel property; and
whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The council of the Corporation of the City of Sarnia Power to
may by by-law, which shall not require for its validity the grant fixed
assent of the electors qualified to vote on money by-laws assessment
grant to any person who agrees with the said Corporation to on hotel
construct a modern fireproof hotel in the City of Sarnia property.
containing not less than 100 rooms each with private bath or
shower at a cost of not less than \$200,000, a fixed assessment
upon the hotel and upon the lands used in connection there-
with, of such amount as may be determined by by-law, not
to exceed in any case one-third of the actual value thereof,
for a term not exceeding fifteen years, for all purposes of
municipal taxation other than school, water and local im-
provement rates, provided that the fixed assessment shall not Proviso.
apply to any part of the hotel or lands which is intended for
or used as a shop or which is let or sublet for any business
purposes not connected with the operation of the hotel.

2. This Act shall come into force on the day upon which Commence-
it receives the Royal Assent. ment of Act.

3. This Act may be cited as *The City of Sarnia Act, 1946.* Short title.

An Act respecting the City of Sarnia.

1st Reading

2nd Reading

3rd Reading

MR. CATHCART

(Private Bill)

No. 19

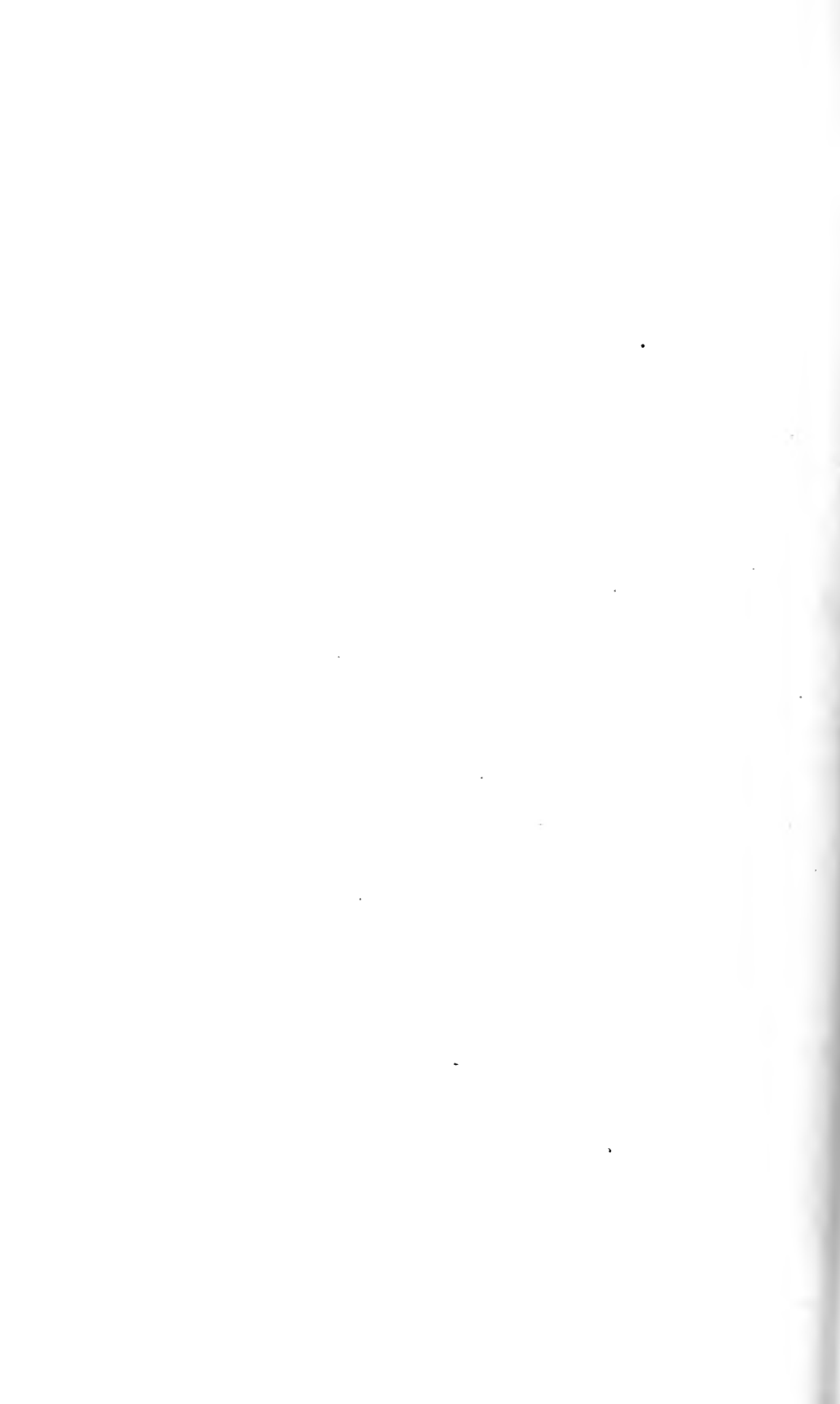
2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Chatham.

MR. PARRY

(PRIVATE BILL)



No. 19

1946

BILL

An Act respecting the Town of Chatham.

WHEREAS the Corporation of the City of Chatham has Preamble.
by its petition represented that under the terms of the original grant from the Crown of the lands known as the Market Block, in the said City, the use of the lands is restricted, and has prayed for special legislation to vest in fee simple the said Market Block in the said Corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The lands composed of the Market Block on the south side of King Street in the City of Chatham, more particularly described as: Market Block vested in Corporation.

Commencing on the South side of King Street in the limit between the said Block and Lot 84; thence south 22 degrees west six chains and twenty-six links more or less to Wellington Street; then north sixty-eight degrees west, 3 chains 13 links more or less to the limit between the said Block and Lot 86; then north 22 degrees east six chains twenty-six links more or less to King Street; then south sixty-eight degrees east three chains thirteen links more or less to the place of beginning,

shall be vested in fee simple in the Corporation of the City of Chatham.

(2) The trusts and special purposes mentioned in the original grant of the said lands from the Crown to the said Corporation be and the same are hereby annulled. Restrictions annulled.

(3) Notwithstanding anything contained in the said original grant, the said Corporation shall have power to sell, lease, convey and contract in regard to the said lands, and every part thereof; subject nevertheless to the reservations as to mineral rights expressed in the said original grant. Power to sell, etc.

Execution of documents. (4) Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the said Corporation, and signed by the mayor and clerk thereof, for the time being.

Application of proceeds. (5) The proceeds of every disposition by the said Corporation of the said lands under this Act shall be held and applied by it for the general purposes or uses of the said Corporation.

Commencement of Act. 2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. 3. This Act may be cited as *The City of Chatham Act, 1946*.



An Act respecting the City of Chatham

1st Reading

2nd Reading

3rd Reading

MR. PARRY

(*Private Bill*)

No. 19

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Chatham.

MR. PARRY

BILL

An Act respecting the City of Chatham.

WHEREAS the Corporation of the City of Chatham has Preamble.
by its petition represented that under the terms of the original grant from the Crown of the lands known as the Market Block, in the said City, the use of the lands is restricted, and has prayed for special legislation to vest in fee simple the said Market Block in the said Corporation; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The lands composed of the Market Block on the south side of King Street in the City of Chatham, more particularly described as: Market Block vested in Corporation.

Commencing on the South side of King Street in the limit between the said Block and Lot 84; thence south 22 degrees west six chains and twenty-six links more or less to Wellington Street; then north sixty-eight degrees west, 3 chains 13 links more or less to the limit between the said Block and Lot 86; then north 22 degrees east six chains twenty-six links more or less to King Street; then south sixty-eight degrees east three chains thirteen links more or less to the place of beginning,

shall be vested in fee simple in the Corporation of the City of Chatham.

(2) The trusts and special purposes mentioned in the original grant of the said lands from the Crown to the said Corporation be and the same are hereby annulled. Restrictions annulled.

(3) Notwithstanding anything contained in the said original grant, the said Corporation shall have power to sell, lease, convey and contract in regard to the said lands, and every part thereof; subject nevertheless to the reservations as to mineral rights expressed in the said original grant. Power to sell, etc.

Execution of documents.

(4) Every disposition of or contract in regard to the said lands or any part thereof shall be under the seal of the said Corporation, and signed by the mayor and clerk thereof, for the time being.

Application of proceeds.

(5) The proceeds of every disposition by the said Corporation of the said lands under this Act shall be held and applied by it for the general purposes or uses of the said Corporation.

Commencement of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The City of Chatham Act, 1946*.

1st Reading

March 22nd, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. PARRY

No. 20

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Kitchener.

MR. MEINZINGER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Kitchener.

WHEREAS the Corporation of the City of Kitchener Preamble. has by its petition represented that its gas system, street railways and motor buses are now in the care and control of The Public Utilities Commission of the City of Kitchener and that it is desirable to enlarge the powers of the said Commission to enable it to construct, control, maintain, operate and manage trolley buses; and whereas the Corporation has prayed for special legislation in respect of such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation of the City of Kitchener, Operation, etc., of gas system, street railways and motor buses. the council being herein called "the Council" and the Corporation being herein called "the Corporation", may by by-law entrust to The Public Utilities Commission of the City of Kitchener established under *The Public Utilities Act*, herein called "the Commission", the construction, control, maintenance, operation and management of its gas system, street railways and motor buses and the Commission shall thereupon have the powers, rights, authorities and privileges hereinafter set forth. Rev. Stat., c. 286.

2. The Commission shall have power to construct, control, Powers of Commission. maintain, operate and manage gas systems, street railways, motor buses and trolley buses or any of them within the limits of the Corporation and may construct, control, maintain, operate and manage any extension thereof in any other municipality within the County of Waterloo with the consent of the corporation of any such municipality, provided that no such consent shall be required for the purpose only of passing through a municipality for the purpose of operating any extension of transportation facilities to and in any municipality so consenting.

3. The Commission shall, in particular, but not so as to Idem. restrict its general powers and duties have the following powers and duties:

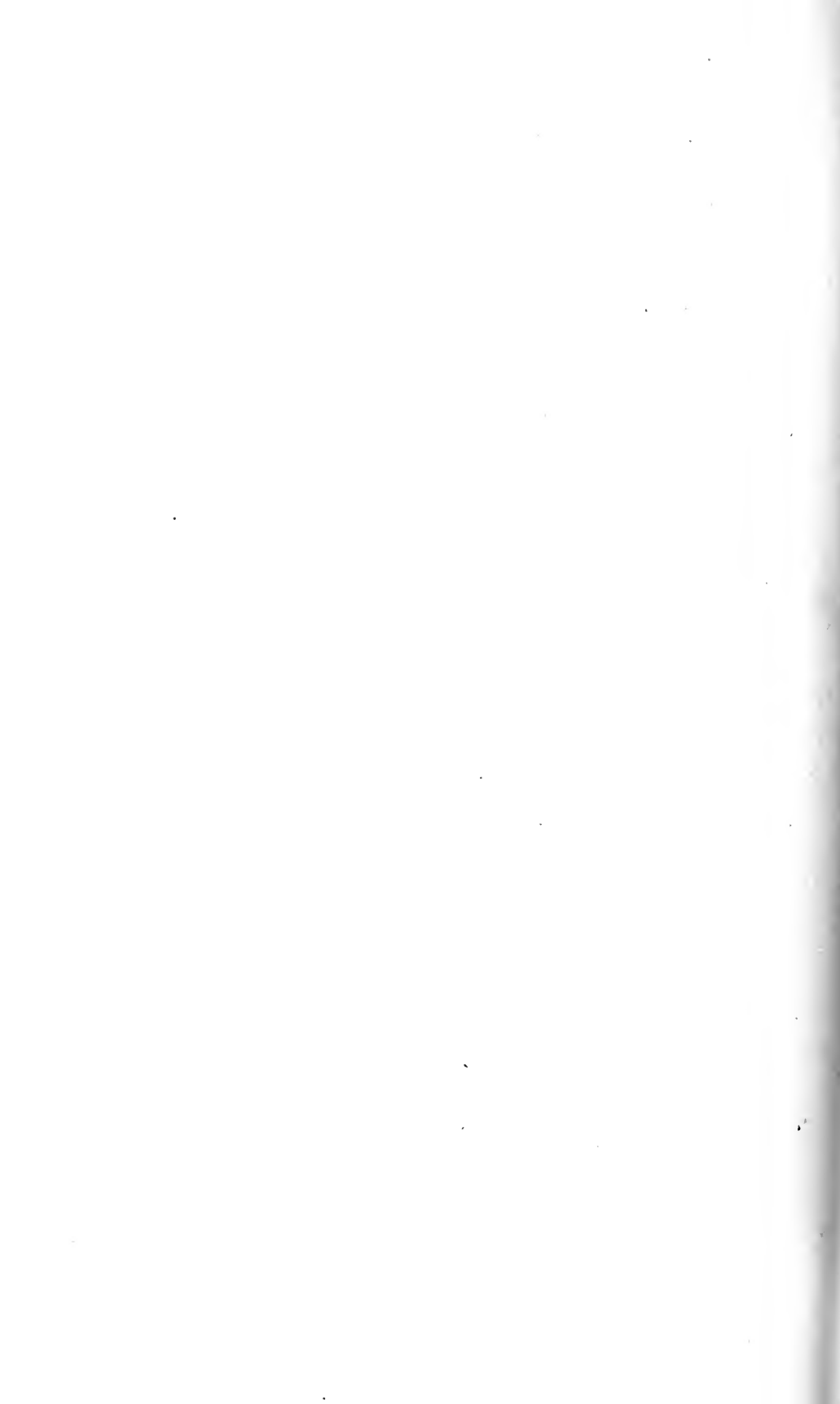
- (i) To fix transportation tolls and fares so that the revenue of the Commission therefrom shall be sufficient to make all transportation facilities under its control and management self-sustaining after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper;
- (ii) To fix rents, rates and prices to be charged and paid for the supply of gas so that the revenue of the Commission therefrom shall be sufficient to make all the gas facilities under its control and management self-sustaining after providing for such maintenance renewals, depreciation and debt charges as it shall think proper;
- (iii) To make requisitions upon the Council for all sums of money necessary to carry out its powers and duties but nothing herein contained shall divest the Council of its authority with reference to providing the money required for such works, and when such money is provided by the Council the treasurer of the Corporation shall upon the certificate of the Commission pay out any money so provided; and
- (iv) Subject to the provisions of *The Highway Traffic Act* and *The Public Vehicle Act* and to any amendments or regulations made to or under the said Acts, to operate public vehicles hired by a party of persons for the purpose of conveying such persons on a special trip or special return trip from the City of Kitchener or from any municipality in which the Commission operates transportation facilities.

Rev. Stat.,
cc. 288, 289.

Where by-
law under
section 1
passed.

4. Upon such by-law being passed by the Council,—

- (a) all the powers, rights, authorities and privileges of the Corporation as to the construction, maintenance, operation, control and management of gas systems, street railways, motor buses and trolley buses or any of them by any general or special Act conferred upon the said Corporation shall be exercised by the Commission and not by the Council of the Corporation and all claims, actions and demands arising from or relating to the construction, repair, operation, management or control of the said gas systems, street railways, motor buses and trolley buses or any of them or arising from the exercise of any powers of the Commission under this Act, shall be made upon and brought against the Commission and not upon or against the Corporation and the Commission may sue and be sued in its own name; and



- (b) it shall be the duty of the Commission to consider generally all matters relating to the supply of gas and relating to local transportation in the City of Kitchener and to construct and provide such plant, equipment and other facilities relating thereto as it may deem necessary.

5. The accounts of the Commission shall be audited at the expense of the Commission by the auditors of the Corporation, and the Commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made. ^{Audit of accounts.}

6. On or before the 1st day of April in each year the Commission shall submit to the Council and publish a complete audited and certified financial report including a balance sheet of assets and liabilities and a statement of revenue and expenditures for the preceding calendar year. ^{Annual statement.}

7.—(1) The Council may pass by-laws from time to time for the issue of debentures for such sums as may be deemed necessary by the Council to provide the Commission with moneys with which to carry out the purpose of this Act. ^{Debentures.}

(2) The amount of any debentures issued under this Act shall not be included in the Corporation's debt in estimating the limit of its borrowing powers. ^{Idem.}

8. It shall not be necessary to secure the assent of the electors to any by-law passed by the Council under this Act. ^{Assent of electors not required.}

9. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

10. This Act may be cited as *The City of Kitchener Act*, 1946. ^{Short title.}

An Act respecting the City of Kitchener.

1st Reading

2nd Reading

3rd Reading

MR. MEINZINGER

(*Private Bill*)

No. 20

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Kitchener.

MR. MEINZINGER

BILL

An Act respecting the City of Kitchener.

WHEREAS the Corporation of the City of Kitchener Preamble. has by its petition represented that its gas system, street railways and motor buses are now in the care and control of The Public Utilities Commission of the City of Kitchener and that it is desirable to enlarge the powers of the said Commission to enable it to construct, control, maintain, operate and manage trolley buses; and whereas the Corporation has prayed for special legislation in respect of such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation of the City of Kitchener, the council being herein called "the Council" and the Corporation being herein called "the Corporation", may by by-law entrust to The Public Utilities Commission of the City of Kitchener established under *The Public Utilities Act*, herein called "the Commission", the construction, control, maintenance, operation and management of its gas system, street railways and motor buses and the Commission shall thereupon have the powers, rights, authorities and privileges hereinafter set forth. Operation, etc., of gas system, street railways and motor buses. Rev. Stat., c. 286.
2. The Commission shall have power to construct, control, maintain, operate and manage gas systems, street railways, motor buses and trolley buses or any of them within the limits of the Corporation and may construct, control, maintain, operate and manage any extension thereof in any other municipality within the County of Waterloo with the consent of the corporation of any such municipality, provided that no such consent shall be required for the purpose only of passing through a municipality for the purpose of operating any extension of transportation facilities to and in any municipality so consenting. Powers of Commission.
3. The Commission shall, in particular, but not so as to idem. restrict its general powers and duties have the following powers and duties:

- (i) To fix transportation tolls and fares so that the revenue of the Commission therefrom shall be sufficient to make all transportation facilities under its control and management self-sustaining after providing for such maintenance, renewals, depreciation and debt charges as it shall think proper;
- (ii) To fix rents, rates and prices to be charged and paid for the supply of gas so that the revenue of the Commission therefrom shall be sufficient to make all the gas facilities under its control and management self-sustaining after providing for such maintenance renewals, depreciation and debt charges as it shall think proper;
- (iii) To make requisitions upon the Council for all sums of money necessary to carry out its powers and duties but nothing herein contained shall divest the Council of its authority with reference to providing the money required for such works, and when such money is provided by the Council the treasurer of the Corporation shall upon the certificate of the Commission pay out any money so provided; and
- (iv) Subject to the provisions of *The Highway Traffic Act* and *The Public Vehicle Act* and to any amendments or regulations made to or under the said Acts, to operate public vehicles hired by a party of persons for the purpose of conveying such persons on a special trip or special return trip from the City of Kitchener or from any municipality in which the Commission operates transportation facilities.

Rev. Stat.,
cc. 288, 289.

Where by-
law under
section 1
passed.

4. Upon such by-law being passed by the Council,—

- (a) all the powers, rights, authorities and privileges of the Corporation as to the construction, maintenance, operation, control and management of gas systems, street railways, motor buses and trolley buses or any of them by any general or special Act conferred upon the said Corporation shall be exercised by the Commission and not by the Council of the Corporation and all claims, actions and demands arising from or relating to the construction, repair, operation, management or control of the said gas systems, street railways, motor buses and trolley buses or any of them or arising from the exercise of any powers of the Commission under this Act, shall be made upon and brought against the Commission and not upon or against the Corporation and the Commission may sue and be sued in its own name; and

(b) it shall be the duty of the Commission to consider generally all matters relating to the supply of gas and relating to local transportation in the City of Kitchener and to construct and provide such plant, equipment and other facilities relating thereto as it may deem necessary.

5. The accounts of the Commission shall be audited at the expense of the Commission by the auditors of the Corporation, and the Commission and its officers shall furnish to the auditors such information and assistance as may be in their power to enable the audit to be made. ^{Audit of accounts.}

6. On or before the 1st day of April in each year the Commission shall submit to the Council and publish a complete audited and certified financial report including a balance sheet of assets and liabilities and a statement of revenue and expenditures for the preceding calendar year. ^{Annual statement.}

7.—(1) The Council may pass by-laws from time to time for the issue of debentures for such sums as may be deemed necessary by the Council to provide the Commission with moneys with which to carry out the purpose of this Act. ^{Debentures.}

(2) The amount of any debentures issued under this Act shall not be included in the Corporation's debt in estimating the limit of its borrowing powers. ^{Idem.}

8. It shall not be necessary to secure the assent of the electors to any by-law passed by the Council under this Act. ^{Assent of electors not required.}

9. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

10. This Act may be cited as *The City of Kitchener Act*, Short title. 1946.



An Act respecting the City of Kitchener.

1st Reading

March 22nd, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. MEINZINGER

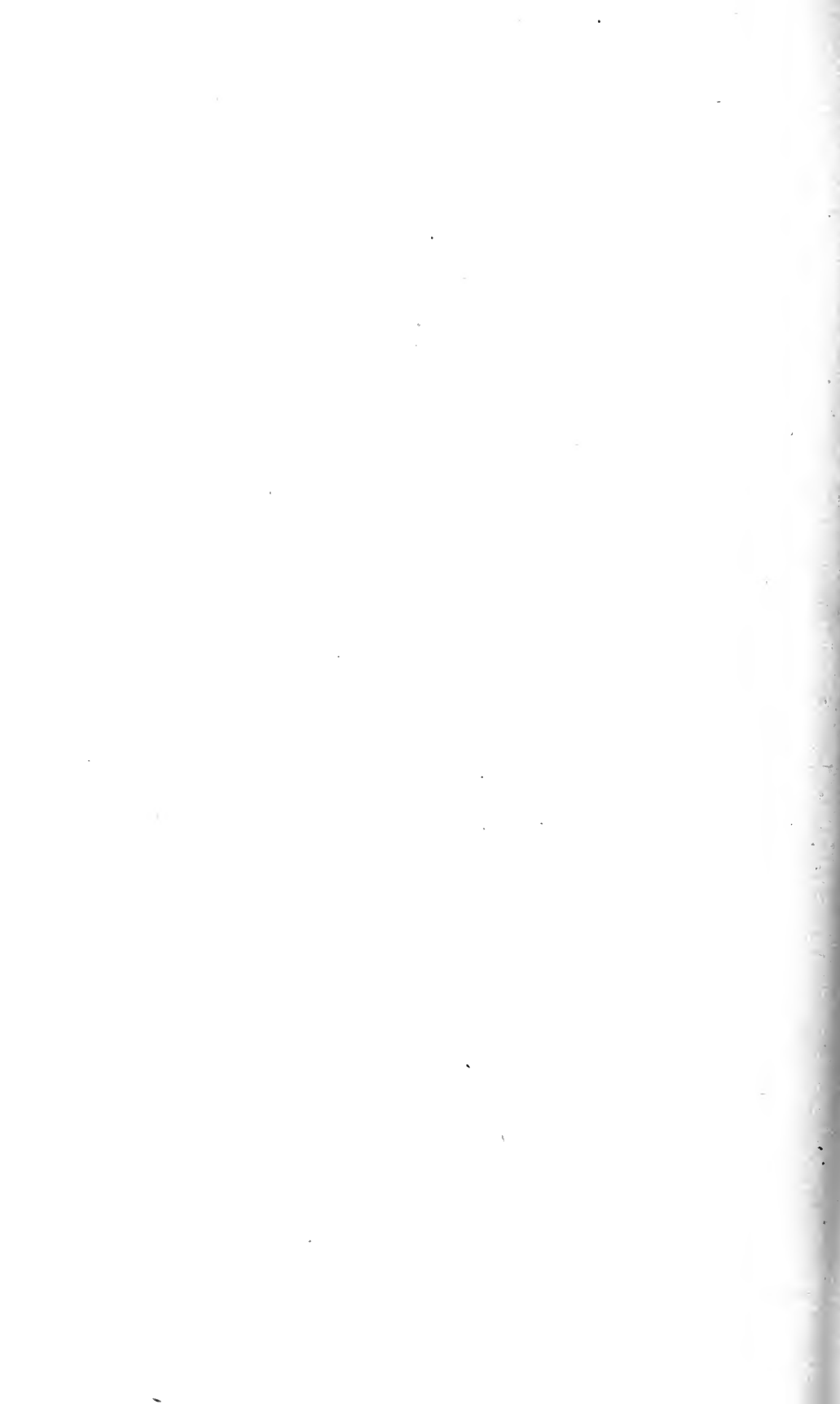
2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting James McKay and the Hamilton Police Benefit Fund.

MR. KNOWLES

(PRIVATE BILL)



BILL

An Act respecting James McKay and the Hamilton Police Benefit Fund.

WHEREAS the Hamilton Police Benefit Fund was incorporated under the provisions of *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887; and whereas the amended consolidated by-laws of the said Fund have been filed with the Department of Insurance pursuant to *The Insurance Act*; and whereas James McKay, Esquire, became a member of the Police Force of the City of Hamilton and of the said Fund on or about the 30th day of May, 1907, and from then until the 30th day of September, 1944, the said James McKay contributed to the said Fund as if he were a member of the said Police Force and of the said Fund, and thereupon applied to the said Fund for a pension; and whereas the said James McKay was appointed a magistrate on or about the 10th day of July, 1928, and by reason of such appointment, doubt has arisen as to whether the said James McKay continued to be a member of the said Police Force and of the said Fund and as to the authority of the said Fund to pay any allowance or pension or other benefit of the said Fund to the said James McKay or his beneficiaries; and whereas to remove such doubt it is desirable to confirm that, for the purposes aforesaid, the said James McKay was a member of the said Police Force and of the said Fund as of the 30th day of September, 1944; and whereas the petitioner has by his petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything contained in the rules and regulations of the Hamilton Police Benefit Fund, the said James McKay is hereby confirmed as a member of the Hamilton Police Benefit Fund from the 30th day of May, 1907, to the 30th day of September, 1944, and shall, for the purposes aforesaid, be deemed to have served continuously

upon the Police Force of the City of Hamilton during the said period.

Payments
from Fund
authorized.

(2) It shall be lawful for the said Fund and its trustees to pay to the said James McKay or his beneficiaries, the allowances, pensions and annuities payable in accordance with the rules and regulations of the said Fund, the same to be computed upon the scale on which the said James McKay contributed to the said Fund during the period mentioned in subsection 1.

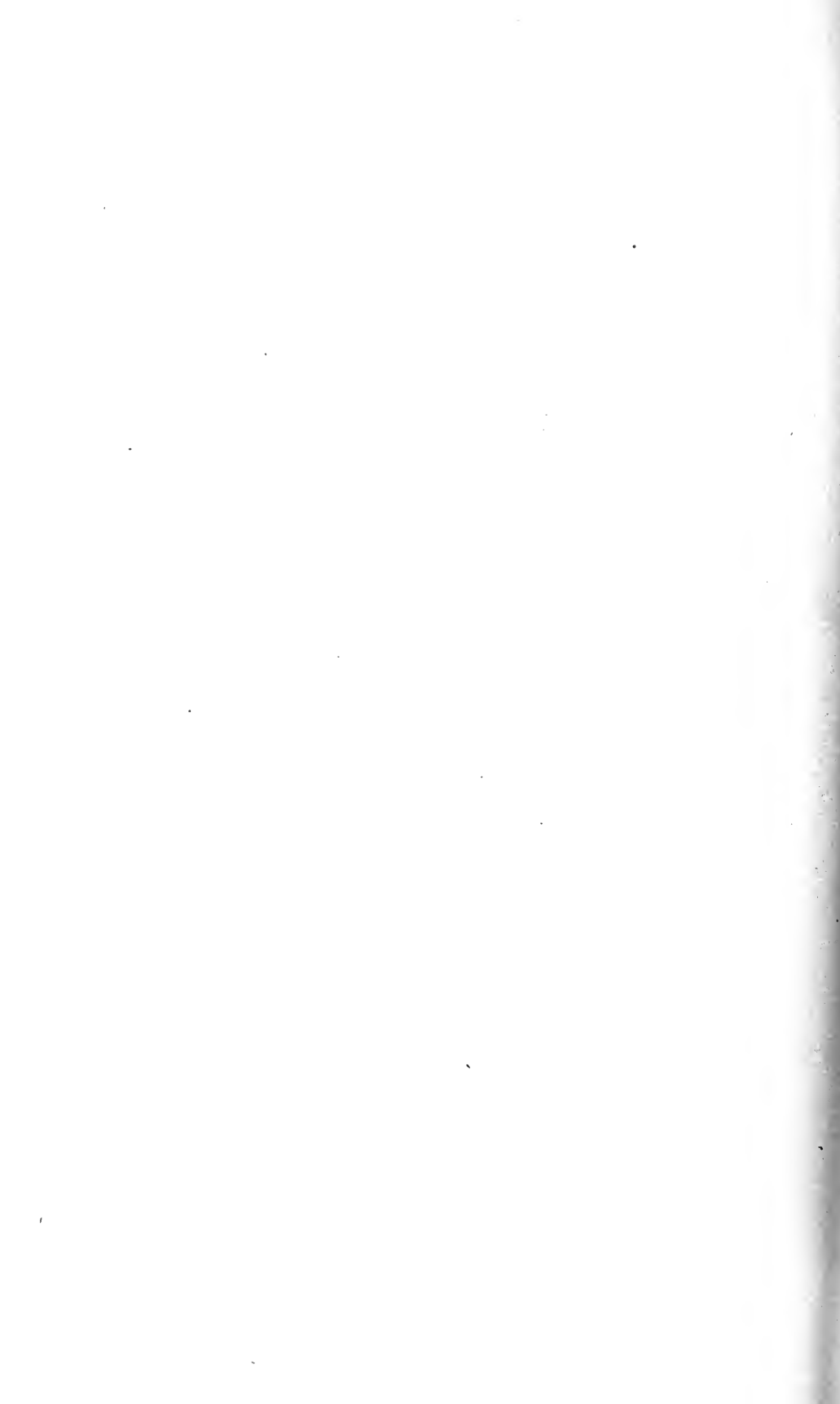
Commence-
ment of Act.

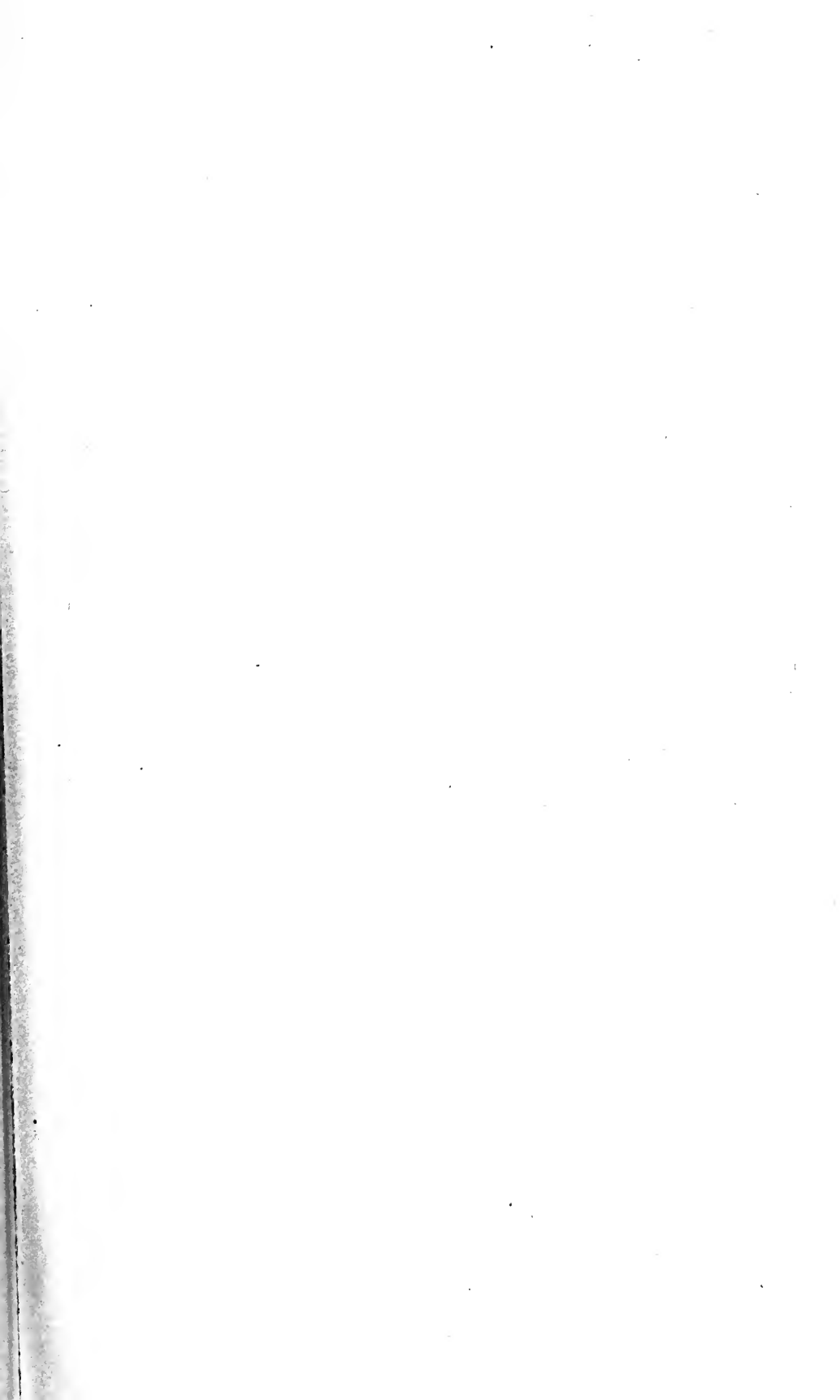
2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The James McKay Act, 1946*.







an Act respecting James McKay and the
Hamilton Police Benefit Fund.

1st Reading

2nd Reading

3rd Reading

MR. KNOWLES

(*Private Bill*)

No. 21

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting James McKay and the Hamilton Police Benefit Fund.

MR. KNOWLES



BILL

An Act respecting James McKay and the Hamilton Police Benefit Fund.

WHEREAS the Hamilton Police Benefit Fund was incorporated under the provisions of *An Act respecting Benevolent, Provident and other Societies*, being chapter 172 of the Revised Statutes of Ontario, 1887; and whereas the amended consolidated by-laws of the said Fund have been filed with the Department of Insurance pursuant to *The Insurance Act*; and whereas James McKay, Esquire, became a member of the Police Force of the City of Hamilton and of the said Fund on or about the 30th day of May, 1907, and from then until the 30th day of September, 1944, the said James McKay contributed to the said Fund as if he were a member of the said Police Force and of the said Fund, and thereupon applied to the said Fund for a pension; and whereas the said James McKay was appointed a magistrate on or about the 10th day of July, 1928, and by reason of such appointment, doubt has arisen as to whether the said James McKay continued to be a member of the said Police Force and of the said Fund and as to the authority of the said Fund to pay any allowance or pension or other benefit of the said Fund to the said James McKay or his beneficiaries; and whereas to remove such doubt it is desirable to confirm that, for the purposes aforesaid, the said James McKay was a member of the said Police Force and of the said Fund as of the 30th day of September, 1944; and whereas the petitioner has by his petition prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything contained in the rules and regulations of the Hamilton Police Benefit Fund, the said James McKay is hereby confirmed as a member of the Hamilton Police Benefit Fund from the 30th day of May, 1907, to the 30th day of September, 1944, and shall, for the purposes aforesaid, be deemed to have served continuously

Preamble.

1887, c. 172.

Rev. Stat.,
c. 256.

James
McKay
confirmed
as member
of Benefit
Fund and
Police Force.

upon the Police Force of the City of Hamilton during the said period.

Payments
from Fund
authorized.

(2) It shall be lawful for the said Fund and its trustees to pay to the said James McKay or his beneficiaries, the allowances, pensions and annuities payable in accordance with the rules and regulations of the said Fund, the same to be computed upon the scale on which the said James McKay contributed to the said Fund during the period mentioned in subsection 1.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The James McKay Act, 1946*.

An Act respecting James McKay and the
Hamilton Police Benefit Fund.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

April 1st, 1946

MR. KNOWLES

No. 22

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Weston.

MR. ALLAN

(PRIVATE BILL)



BILL

An Act respecting the Town of Weston.

WHEREAS the Corporation of the Town of Weston has Preamble.
by its petition prayed for special legislation in respect
of its transportation system; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In addition to any power that it may possess under any Additional powers re transportation.
special or general Act, the Corporation of the Town of Weston
shall have power,—

- (a) to purchase, equip, maintain or operate street rail-
ways or trolley buses or their necessary appurten-
ances;
- (b) to enter into agreements with any person for the
operation by such person of street railways or motor
or trolley buses on any highway in the municipality;
and
- (c) to enter into agreements in conjunction with any
other municipality with any person for the operation
by such person of street railways or motor or trolley
buses on any highway of any municipality.

2. This Act shall come into force on the day upon which Commence-
ment of
Act.
it receives the Royal Assent.

3. This Act may be cited as *The Town of Weston Act, 1946.* Short title.

BILL

An Act respecting the Town of Weston

1st Reading

2nd Reading

3rd Reading

MR. ALAN

(Private Bill)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Weston.

MR. ALLAN

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the Town of Weston.

WHEREAS the Corporation of the Town of Weston has Preamble.
by its petition prayed for special legislation in respect
of its transportation system; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In addition to any power that it may possess under any Additional
special or general Act, the Corporation of the Town of Weston powers re
shall have power,— transport-
ation.

- (a) to purchase, equip, maintain or operate street rail-
ways or trolley buses or their necessary appurten-
ances;
- (b) to enter into agreements with any person for the
operation by such person of street railways or motor
or trolley buses on any highway in the municipality;
and
- (c) to enter into agreements in conjunction with any
other municipality with any person for the operation
by such person of street railways or motor or trolley
buses on any highway of any municipality that is a
party to such agreement.

2. This Act shall come into force on the day upon which Commence-
it receives the Royal Assent. ment of
Act.

3. This Act may be cited as *The Town of Weston Act, 1946.* Short title.

BILL
An Act respecting the Town of Weston

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. ALAN

(Reprinted as amended by the Committee on
Private Bills.)

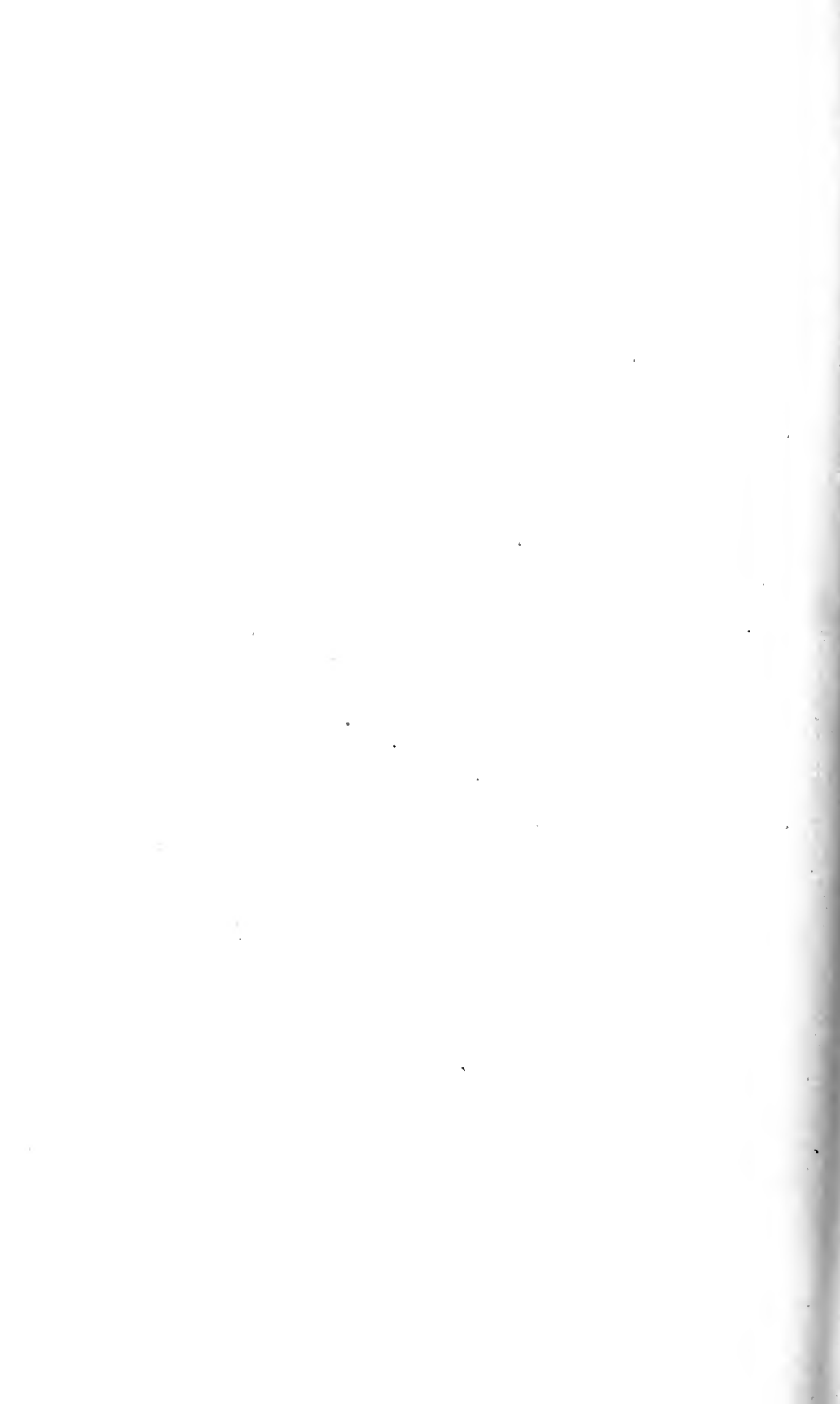
No. 22

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Weston.

MR. ALLAN



BILL

An Act respecting the Town of Weston.

WHEREAS the Corporation of the Town of Weston has Preamble.
by its petition prayed for special legislation in respect
of its transportation system; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. In addition to any power that it may possess under any Additional
special or general Act, the Corporation of the Town of Weston powers re
shall have power,— transport-
ation.

- (a) to purchase, equip, maintain or operate street rail-
ways or trolley buses or their necessary appurten-
ances;
- (b) to enter into agreements with any person for the
operation by such person of street railways or motor
or trolley buses on any highway in the municipality;
and
- (c) to enter into agreements in conjunction with any
other municipality with any person for the operation
by such person of street railways or motor or trolley
buses on any highway of any municipality that is a
party to such agreement.

2. This Act shall come into force on the day upon which Commence-
it receives the Royal Assent. ment of
Act.

3. This Act may be cited as *The Town of Weston Act, 1946*. Short title.

An Act respecting the Town of Weston

1st Reading

March 22nd, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

Mr. ALLAN

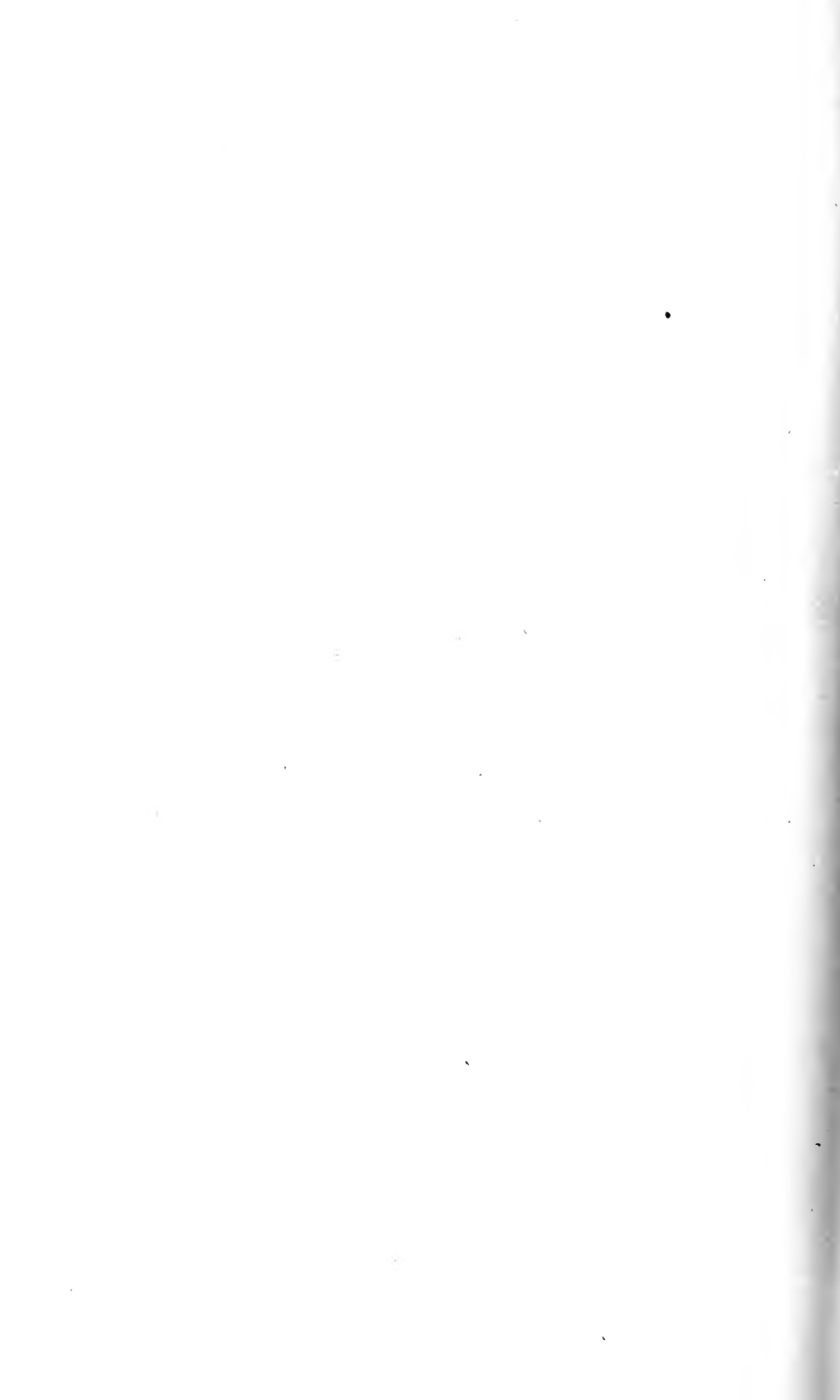
2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Sioux Lookout.

MR. DOCKER

(PRIVATE BILL)



No. 23

1946

BILL

An Act respecting the Town of Sioux Lookout.

WHEREAS the Corporation of the Town of Sioux Lookout has by its petition prayed for special legislation with respect to a water works and sewerage system; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Town of Sioux Lookout is hereby authorized to enter into and carry out the proposed agreement with His Majesty in right of Canada, acting by the Honourable the Minister of Transport, as set out as schedule A hereto. Water works and sewerage agreement authorized.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Town of Sioux Lookout Act, 1946*. Short title.

SCHEDULE A

THIS AGREEMENT made this day of , A.D. 194 .

BETWEEN:

Approved as
to form only
"H.A.H."
Solicitor

THE CORPORATION OF THE TOWN OF SIOUX LOOKOUT,
in the Province of Ontario (hereinafter called the
"Town"),

OF THE FIRST PART,

—and—

Approved
"J.L.C."
Chief
Engineer

HIS MAJESTY THE KING in right of Canada acting herein
by its Honourable the Minister of Transport (herein-
after called the "Dominion"),

OF THE SECOND PART.

Approved
"F.P.N."
Regional
Auditor.

WHEREAS the Town desires to construct and instal a Water Works and
Sewerage System;

AND WHEREAS the Town desires to supply water from and by the
said water works to, and for the purposes of, the Dominion's Railway at
Sioux Lookout;

AND WHEREAS the Town agrees to accept, and dispose of, sewage
from the Dominion's Railway at Sioux Lookout through and by its said
sewerage system;

AND WHEREAS the Dominion agrees to contribute toward the cost
of construction and installation of the said Water Works and Sewerage
System;

AND WHEREAS the Dominion agrees to grant an easement on and
under its lands at Sioux Lookout for the laying and maintaining of a
portion of the pipe lines of the said Water Works and Sewerage System
and agrees to permit the Town to construct and maintain on its lands a
building for use as a sewage pump house;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consider-
ation of the premises and of the mutual covenants and agreements herein
contained and of the entering into of this agreement the parties hereto
covenant and agree each with the other as follows:

THE TOWN AGREES:

1. To permit the Dominion, at the Dominion's expense, to connect
its existing water pipe line, shown coloured yellow on the plan hereto
attached, with the Town's water pipe line, shown coloured red on the
said plan, by means of connecting water pipe lines in the locations shown
coloured green on the said plan.

2. To provide the Dominion from and by means of the Town's said
Water Works and the said connecting pipe lines with water of a quality
in accordance with the standards required by Federal and Provincial
authorities and satisfactory to the Chief Engineer of the Dominion's
Railway and in sufficient quantities at all times for all purposes of the
Dominion's Railway at Sioux Lookout.

3. To permit the Dominion, at the Dominion's expense, to connect its
existing Sewerage System shown coloured dotted yellow on the said plan
with the Town's said Sewerage System, shown coloured dotted red on
the said plan, by means of a connecting sewer pipe line in the location
shown coloured dotted green on the said plan.

4. To accept into its Sewerage System from and by means of the
Dominion's sewerage system and said connecting sewer pipe line, and to

dispose of all sanitary sewage and basement drainage from the Dominion's Railway at Sioux Lookout, free of any charge whatsoever to either the Dominion or its Railway.

5. To indemnify and save harmless the Dominion and the Dominion's Railway from and against all claims, actions or proceedings for loss, injury, damage or compensation by any person, firm or corporation or to any person whomsoever including the Dominion and the Dominion's Railway caused by, or arising out of the easements, permissions and privileges granted under Clauses 7 and 8 hereof on, under or across the lands and railway trackage of the Dominion and whether or not due to the negligence in operation of the Dominion's Railway or otherwise.

THE DOMINION AGREES:

6. To pay the Town promptly upon the receipt of monthly bills, based on the combined monthly readings of the two meters hereinafter mentioned, and of any additional meter or meters installed under the provisions of clause 14 hereof, all water so provided under clause two hereof at the following rates: Twenty cents (20c) per one thousand (1,000) gallons for the first one hundred thousand (100,000) gallons per day; Fifteen cents (15c) per one thousand (1,000) gallons for any quantity in excess of one hundred thousand (100,000) gallons per day; Provided, however, that the said "per day" consumption of water will be the monthly consumption divided by the number of calendar days in the then current month.

7. To permit the Town, during the life of this agreement, to use, for the location, construction, maintenance and operation of a water pipe line in connection with the said Water Works, a strip of land twenty feet in width in the location and along the lines shown coloured pink on the said plan and to permit the Town, during the life of this agreement, to use for the location, construction, maintenance and operation of a sewer pipe line in connection with the said Sewerage System, a strip of land twenty feet in width in the location and along the line shown coloured brown on said plan, together with a free and uninterrupted right of way, ingress, egress and regress, through, along, in or over the said strips of land for all purposes in connection therewith: Said water and sewer pipe lines shall be constructed, maintained and operated under the supervision and to the satisfaction of the Chief Engineer of the Dominion's Railway and in compliance with any and all general orders, regulations, plans or specifications adopted or approved by the Board of Transport Commissioners for Canada and the Province of Ontario, from time to time in force.

8. To permit the Town, during the life of this agreement, to construct, have and maintain a building for use as a sewage pump house on the location indicated on the said plan, together with the right of ingress, egress and regress, in or over the Dominion's lands for all purposes in connection therewith.

9. Upon the production of evidence by the Town, of the passing by the Town of the required by-law or by-laws, and of compliance by the Town with governing Dominion and Provincial Statutes and all enactments made and regulations passed thereunder, and of approval by Dominion and Provincial authority as required, and after one year of operation of the said Water Works and Sewerage System, to the satisfaction of the Chief Engineer of the Dominion's Railway, the Dominion agrees to pay forthwith to the Town as a contribution towards the cost of the said Water Works and Sewerage System, the sum of Twenty-two Thousand Dollars (\$22,000.00) representing the commuted value, and being in lieu, of twenty (20) annual instalments, each of the amount of One Thousand, Five Hundred and Sixty-five Dollars and Ninety-five cents (\$1,565.95). By way of rebate, in the event of the earlier termination of this agreement in the manner hereinafter provided, the Town agrees to pay to the Dominion forthwith upon such termination, an amount which shall be the commuted value of the total sum of the annual instalments, each of \$1,565.95 for each year which this agreement, but for such termination, had yet to run.

IT IS MUTUALLY AGREED:

10. That two (2) meters of a suitable type and size and satisfactory to the Town and to the Chief Engineer of the Dominion's Railway, shall be installed and properly maintained by the Dominion at the expense of the Dominion at the locations indicated respectively as "A" and "B" on the attached plan.

11. That the Town shall arrange with the tenants or occupants of dwelling houses owned by the Dominion and situate on the Dominion's lands at Sioux Lookout, for the supply of water to the said dwelling houses from, and by means of, the said Water Works, and that the Dominion or its Railway shall have no responsibility, whatsoever, for the supply of water to the said dwelling houses after the commencement of operations of the said water works.

12. That the Dominion may maintain, use and operate, for all purposes of its Railway at Sioux Lookout, the Dominion's existing water supply system and sewerage system, including water pumping equipment, chlorinator, discharge pipe line to Pelican Lake, septic tank, and disposal field, when, and as it sees fit to do so, without notice to the Town, during the currency hereof. Furthermore, it is agreed that if the water from the Town's waterworks shall be either insufficient in quantity of unsatisfactory as to quality (and the Chief Engineer of the Dominion's Railway shall be the sole judge as to these matters) with the result that the Dominion reverts to the use and operation of its existing water supply system, the Dominion, upon such use and operation of its existing water supply system for a period of six months may then, by the Vice-President at Winnipeg of its Railway, give notice to the Town of termination of this agreement, by registered mail addressed to the Town Clerk, and at the expiration of two calendar months from the date of said notice, this agreement shall be at an end and all the rights and privileges herein granted shall be determined and cease to exist.

13. That if the said meters, or either of them, shall cease to register correctly or shall at any time be removed for repair and adjustment or renewal or for any other reason; then in respect of each day that the Town provides water hereunder to the Dominion until said meters, or either of them shall be replaced, adjusted or repaired so as to register correctly the quantity of water passing through them or either of them the Town shall be entitled to charge, and the Dominion shall be liable to pay for the quantity of water equal to the average "per day" consumption during the two months next ensuing after the said meters, or either of them, have been repaired, adjusted or replaced. The provisions of this clause shall also apply to any additional meter or meters installed pursuant to clause 14 hereof.

14. That the Dominion shall have the right at any time and from time to time, to install a meter or meters (in addition to the two meters mentioned in clause 10 hereof) or to make a connection or connections between its existing water pipe line and the Town's water pipe line, and between its existing sewerage system and the Town's sewerage system (in addition to the connections mentioned in Clauses 1 and 3 hereof) all at the point or points to be selected by the Chief Engineer of the Dominion's Railway.

15. That this agreement, unless earlier terminated under the provisions of Clause 12 hereof, shall endure for a period of twenty (20) years from the day of , A.D. 19 to the day of , A.D. 19 , and on the latter date shall be at an end and all the rights and privileges herein granted shall be determined and cease to exist.

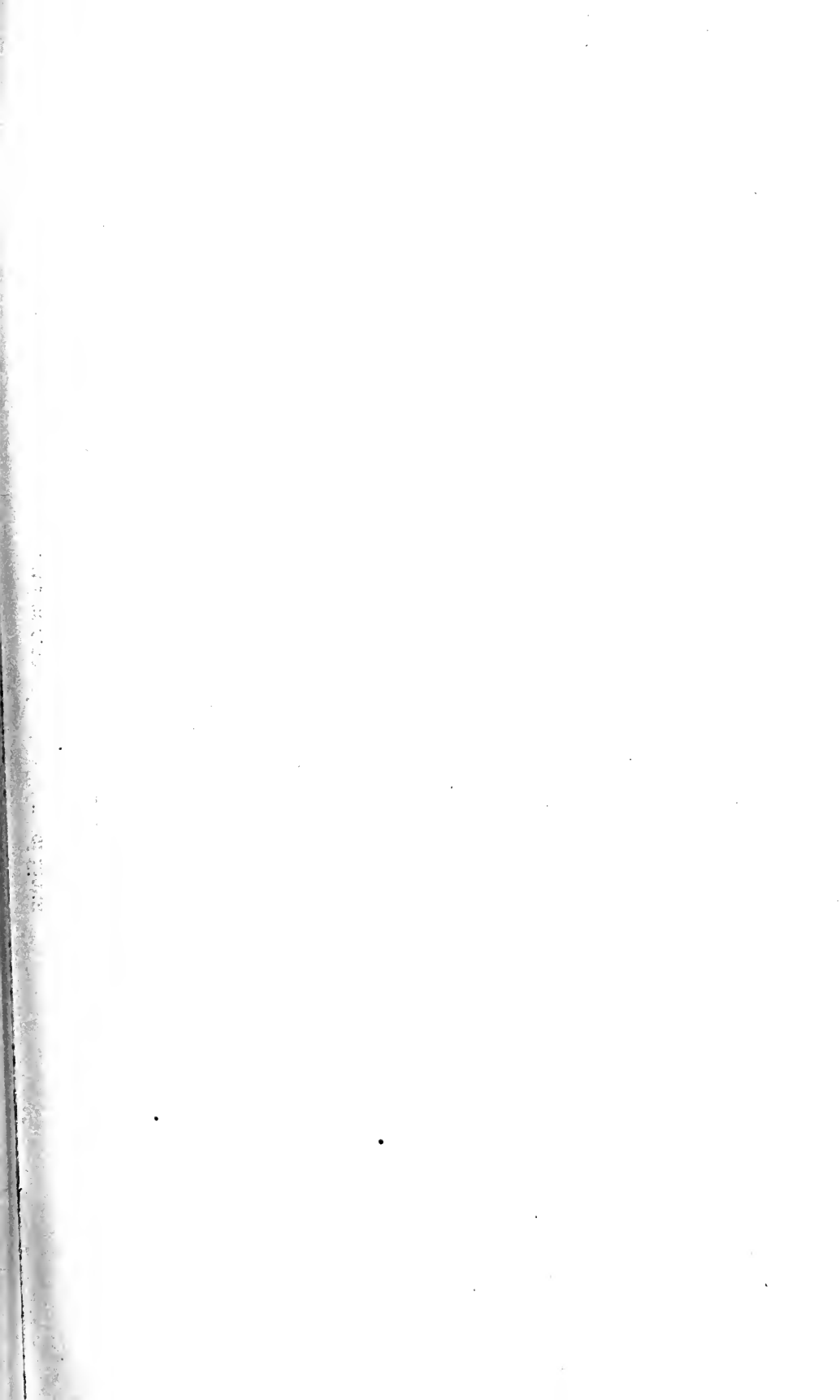
IN WITNESS WHEREOF the parties hereto have executed these presents.

THE CORPORATION OF THE TOWN OF SIOUX LOOKOUT.

.....

PLAN

(Showing the Town's proposed sewer and water lines)



An Act respecting the Town of Sioux
Lookout

1st Reading

2nd Reading

3rd Reading

MR. DOCKER

(Private Bill)

No. 23

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Sioux Lookout.

MR. DOCKER

No. 23

1946

BILL

An Act respecting the Town of Sioux Lookout.

WHEREAS the Corporation of the Town of Sioux Lookout has by its petition prayed for special legislation with respect to a water works and sewerage system; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Town of Sioux Lookout is hereby authorized to enter into and carry out the proposed agreement with His Majesty in right of Canada, acting by the Honourable the Minister of Transport, as set out as schedule A hereto. Water works and sewerage agreement authorized.
2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.
3. This Act may be cited as *The Town of Sioux Lookout Act, 1946*. Short title.

SCHEDULE A

THIS AGREEMENT made this day of , A.D. 194 .

BETWEEN:

Approved as
to form only
"H.A.H."
Solicitor

THE CORPORATION OF THE TOWN OF SIOUX LOOKOUT,
in the Province of Ontario (hereinafter called the
"Town"),

—and—

OF THE FIRST PART,

Approved
"J.L.C."
Chief
Engineer

HIS MAJESTY THE KING in right of Canada acting herein
by its Honourable the Minister of Transport (herein-
after called the "Dominion"),

Approved
"F.P.N."
Regional
Auditor.

OF THE SECOND PART.

WHEREAS the Town desires to construct and instal a Water Works and
Sewerage System;

AND WHEREAS the Town desires to supply water from and by the
said water works to, and for the purposes of, the Dominion's Railway at
Sioux Lookout;

AND WHEREAS the Town agrees to accept, and dispose of, sewage
from the Dominion's Railway at Sioux Lookout through and by its said
sewerage system;

AND WHEREAS the Dominion agrees to contribute toward the cost
of construction and installation of the said Water Works and Sewerage
System;

AND WHEREAS the Dominion agrees to grant an easement on and
under its lands at Sioux Lookout for the laying and maintaining of a
portion of the pipe lines of the said Water Works and Sewerage System
and agrees to permit the Town to construct and maintain on its lands a
building for use as a sewage pump house;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consider-
ation of the premises and of the mutual covenants and agreements herein
contained and of the entering into of this agreement the parties hereto
covenant and agree each with the other as follows:

THE TOWN AGREES:

1. To permit the Dominion, at the Dominion's expense, to connect
its existing water pipe line, shown coloured yellow on the plan hereto
attached, with the Town's water pipe line, shown coloured red on the
said plan, by means of connecting water pipe lines in the locations shown
coloured green on the said plan.
2. To provide the Dominion from and by means of the Town's said
Water Works and the said connecting pipe lines with water of a quality
in accordance with the standards required by Federal and Provincial
authorities and satisfactory to the Chief Engineer of the Dominion's
Railway and in sufficient quantities at all times for all purposes of the
Dominion's Railway at Sioux Lookout.
3. To permit the Dominion, at the Dominion's expense, to connect its
existing Sewerage System shown coloured dotted yellow on the said plan
with the Town's said Sewerage System, shown coloured dotted red on
the said plan, by means of a connecting sewer pipe line in the location
shown coloured dotted green on the said plan.
4. To accept into its Sewerage System from and by means of the
Dominion's sewerage system and said connecting sewer pipe line, and to

dispose of all sanitary sewage and basement drainage from the Dominion's Railway at Sioux Lookout, free of any charge whatsoever to either the Dominion or its Railway.

5. To indemnify and save harmless the Dominion and the Dominion's Railway from and against all claims, actions or proceedings for loss, injury, damage or compensation by any person, firm or corporation or to any person whomsoever including the Dominion and the Dominion's Railway caused by, or arising out of the easements, permissions and privileges granted under Clauses 7 and 8 hereof on, under or across the lands and railway trackage of the Dominion and whether or not due to the negligence in operation of the Dominion's Railway or otherwise.

THE DOMINION AGREES:

6. To pay the Town promptly upon the receipt of monthly bills based on the combined monthly readings of the two meters hereinafter mentioned, and of any additional meter or meters installed under the provisions of clause 14 hereof, all water so provided under clause two hereof at the following rates: Twenty cents (20c) per one thousand (1,000) gallons for the first one hundred thousand (100,000) gallons per day; Fifteen cents (15c) per one thousand (1,000) gallons for any quantity in excess of one hundred thousand (100,000) gallons per day; Provided, however, that the said "per day" consumption of water will be the monthly consumption divided by the number of calendar days in the then current month.

7. To permit the Town, during the life of this agreement, to use, for the location, construction, maintenance and operation of a water pipe line in connection with the said Water Works, a strip of land twenty feet in width in the location and along the lines shown coloured pink on the said plan and to permit the Town, during the life of this agreement, to use for the location, construction, maintenance and operation of a sewer pipe line in connection with the said Sewerage System, a strip of land twenty feet in width in the location and along the line shown coloured brown on said plan, together with a free and uninterrupted right of way, ingress, egress and regress, through, along, in or over the said strips of land for all purposes in connection therewith. Said water and sewer pipe lines shall be constructed, maintained and operated under the supervision and to the satisfaction of the Chief Engineer of the Dominion's Railway and in compliance with any and all general orders, regulations, plans or specifications adopted or approved by the Board of Transport Commissioners for Canada and the Province of Ontario, from time to time in force.

8. To permit the Town, during the life of this agreement, to construct, have and maintain a building for use as a sewage pump house on the location indicated on the said plan, together with the right of ingress, egress and regress, in or over the Dominion's lands for all purposes in connection therewith.

9. Upon the production of evidence by the Town, of the passing by the Town of the required by-law or by-laws, and of compliance by the Town with governing Dominion and Provincial Statutes and all enactments made and regulations passed thereunder, and of approval by Dominion and Provincial authority as required, and after one year of operation of the said Water Works and Sewerage System, to the satisfaction of the Chief Engineer of the Dominion's Railway, the Dominion agrees to pay forthwith to the Town as a contribution towards the cost of the said Water Works and Sewerage System, the sum of Twenty-two Thousand Dollars (\$22,000.00) representing the commuted value, and being in lieu, of twenty (20) annual instalments, each of the amount of One Thousand, Five Hundred and Sixty-five Dollars and Ninety-five cents (\$1,565.95). By way of rebate, in the event of the earlier termination of this agreement in the manner hereinafter provided, the Town agrees to pay to the Dominion forthwith upon such termination, an amount which shall be the commuted value of the total sum of the annual instalments, each of \$1,565.95 for each year which this agreement, but for such termination, had yet to run.

IT IS MUTUALLY AGREED:

10. That two (2) meters of a suitable type and size and satisfactory to the Town and to the Chief Engineer of the Dominion's Railway, shall be installed and properly maintained by the Dominion at the expense of the Dominion at the locations indicated respectively as "A" and "B" on the attached plan.

11. That the Town shall arrange with the tenants or occupants of dwelling houses owned by the Dominion and situate on the Dominion's lands at Sioux Lookout, for the supply of water to the said dwelling houses from, and by means of, the said Water Works, and that the Dominion or its Railway shall have no responsibility, whatsoever, for the supply of water to the said dwelling houses after the commencement of operations of the said water works.

12. That the Dominion may maintain, use and operate, for all purposes of its Railway at Sioux Lookout, the Dominion's existing water supply system and sewerage system, including water pumping equipment, chlorinator, discharge pipe line to Pelican Lake, septic tank, and disposal field, when, and as it sees fit to do so, without notice to the Town, during the currency hereof. Furthermore, it is agreed that if the water from the Town's waterworks shall be either insufficient in quantity of unsatisfactory as to quality (and the Chief Engineer of the Dominion's Railway shall be the sole judge as to these matters) with the result that the Dominion reverts to the use and operation of its existing water supply system, the Dominion, upon such use and operation of its existing water supply system for a period of six months may then, by the Vice-President at Winnipeg of its Railway, give notice to the Town of termination of this agreement, by registered mail addressed to the Town Clerk, and at the expiration of two calendar months from the date of said notice, this agreement shall be at an end and all the rights and privileges herein granted shall be determined and cease to exist.

13. That if the said meters, or either of them, shall cease to register correctly or shall at any time be removed for repair and adjustment or renewal or for any other reason, then in respect of each day that the Town provides water hereunder to the Dominion until said meters, or either of them shall be replaced, adjusted or repaired so as to register correctly the quantity of water passing through them or either of them the Town shall be entitled to charge, and the Dominion shall be liable to pay for the quantity of water equal to the average "per day" consumption during the two months next ensuing after the said meters, or either of them, have been repaired, adjusted or replaced. The provisions of this clause shall also apply to any additional meter or meters installed pursuant to clause 14 hereof.

14. That the Dominion shall have the right at any time and from time to time, to install a meter or meters (in addition to the two meters mentioned in clause 10 hereof) or to make a connection or connections between its existing water pipe line and the Town's water pipe line, and between its existing sewerage system and the Town's sewerage system (in addition to the connections mentioned in Clauses 1 and 3 hereof) all at the point or points to be selected by the Chief Engineer of the Dominion's Railway.

15. That this agreement, unless earlier terminated under the provisions of Clause 12 hereof, shall endure for a period of twenty (20) years from the day of _____, A.D. 19____ to the day of _____, A.D. 19____, and on the latter date shall be at an end and all the rights and privileges herein granted shall be determined and cease to exist.

IN WITNESS WHEREOF the parties hereto have executed these presents.

THE CORPORATION OF THE TOWN OF SIOUX LOOKOUT.

.....

PLAN

(Showing the Town's proposed sewer and water lines)

An Act respecting the Town of Sioux
Lookout

1st Reading

March 22nd, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DOCKER

NO. 24

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Toronto.

MR. ROBERTS

(PRIVATE BILL)

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto has Preamble.
by its petition prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of the Corporation of the City of Home for
Toronto may acquire, establish, construct, operate, equip and aged persons.
maintain a home for aged persons in the municipality or in
any other municipality with its consent; and may acquire,
establish, construct, operate, equip and maintain a home for
aged persons jointly with another municipality either within
the City of Toronto or within such other municipality.

(2) The council of the Corporation may, by by-law, re-Idem.
regulate and provide for the admission, treatment, conduct,
discipline, discharge and the rates or charges of inmates of a
home for aged persons established pursuant to this section.

2. Section 2 of *The City of Toronto Act, 1909*, is amended 1909.
by adding thereto the following subsection: c. 125, s. 2,
amended.

(11a) Subsections 6, 9 and 10 shall not apply to the pay- Payment of
ment of accounts of \$500 or less, which are author- accounts not
ized by the mayor or a member of the board of con- exceeding
trol appointed for that purpose and certified by the \$500.
head of the department concerned.

3.—(1) The council of the Corporation may, by by-law, Trailer
designate areas of land in the municipality to be used as camps.
trailer camps and may prohibit the use of other land in the
municipality for such purpose.

(2) Part XXI of *The Municipal Act*, providing for penalties Penalties.
and enforcement of by-laws, shall apply to any by-law passed
under this section.

"Trailer camp", defined.

(3) In this section, "trailer camp" shall mean land in or upon which any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle, is placed, located, kept or maintained, notwithstanding that such vehicle is jacked up or that its running-gear is removed, but not including any vehicle unless it is used for the living, sleeping or eating accommodation of persons therein.

Roadway through cemetery, permission for.

4. The council of the Corporation may open and construct a highway as part of the Don Valley Traffic Artery through or adjoining the lands of the Trustees of the Toronto General Burying Grounds, known as Mount Pleasant Cemetery.

Enclosed stadia, etc., establishment of.

5. The council of the Corporation may acquire by purchase or otherwise, erect, establish, maintain and operate enclosed stadia, athletic fields, arenas and similar places of recreation and amusement within the municipality or in any other municipality with its consent, or partly within the municipality and partly in another municipality with its consent; and may provide for a fee for admission thereto and for the temporary use thereof; and may appoint a board to operate such places.

Acquisition of lands for T.T.C.

6. The power of the council of the Corporation to acquire land for its purposes shall be deemed to include the power to acquire land for the purposes of the Toronto Transportation Commission.

Sick pay credit grants.

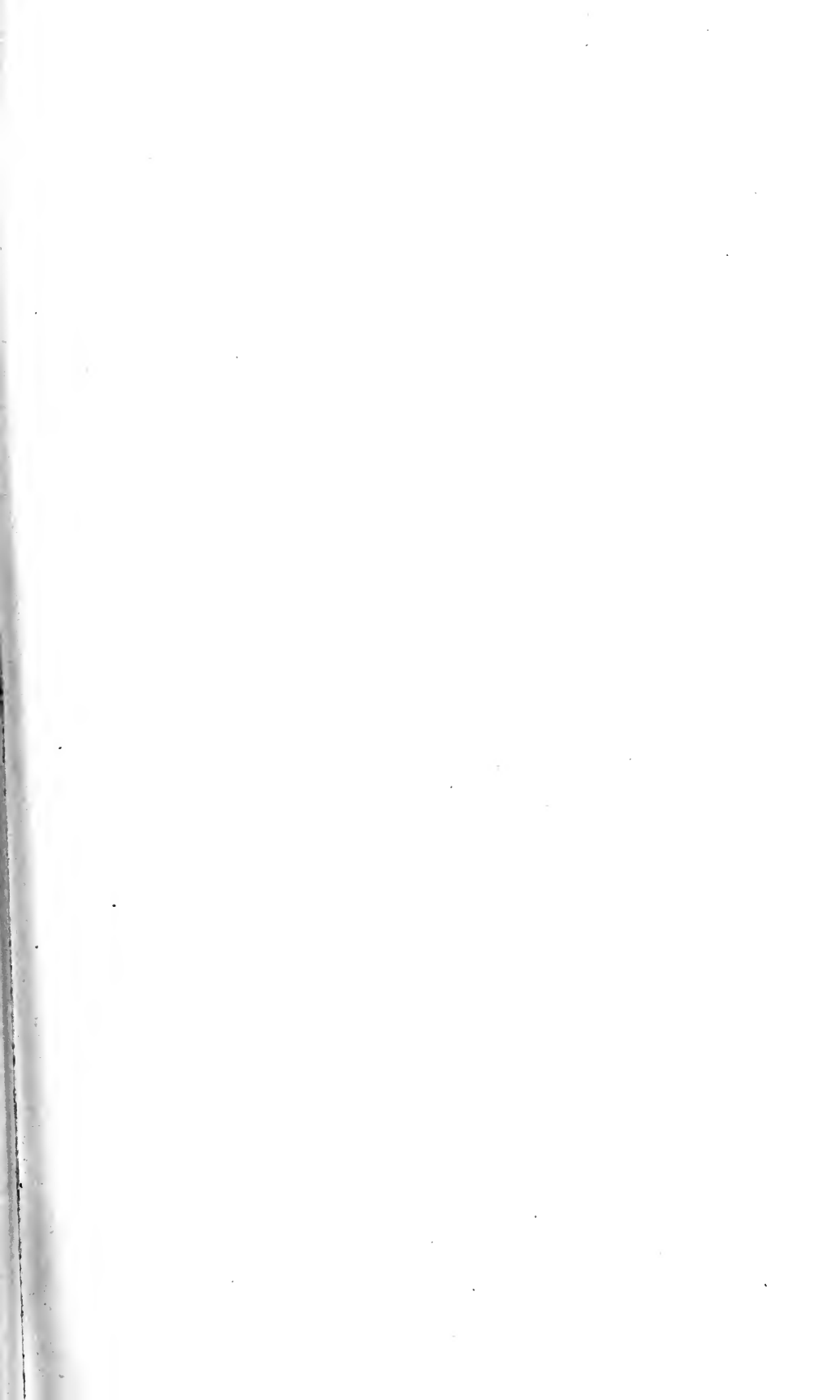
7.—(1) The council of the Corporation may, by by-law, provide for granting to employees or any class thereof, whose employment is terminated by death or otherwise, the whole or part of such amount as is equal to the sick pay credit of the employee, but in no case shall such amount exceed an amount equal to the aggregate of his salary or other remuneration for the six months preceding the termination of his employment.

"Employee", defined.

(2) In this section, "employee" shall mean any person in the employ of the Corporation or any board, commission, or other local authority appointed wholly or partly by the council of the Corporation, who has been in such employment for at least five years and shall include one or more dependants of any such person who dies during his employment or within six months thereafter.

Payment over of surplus damages.

8. Where in an action arising out of an accident to an employee the Corporation recovers from a third person a larger amount, exclusive of costs, than the amount paid to or on behalf of such employee as a result of the accident, the surplus amount may be paid to such employee or, in the event of his death, to one or more of his dependants.



9. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

10. This Act may be cited as *The City of Toronto Act*, ^{Short title.}
No. 2, 1946.

1st Reading

2nd Reading

3rd Reading

MR. ROBERTS

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Toronto.

MR. ROBERTS

(Reprinted as amended by the Committee on Private Bills.)

No. 24

1946

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto has Preamble.
by its petition prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) The council of the Corporation of the City of Home for aged persons.
Toronto may acquire, establish, construct, operate, equip and
maintain a home for aged persons in the municipality or in
any other municipality with its consent; and may acquire,
establish, construct, operate, equip and maintain a home for
aged persons jointly with another municipality either within
the City of Toronto or within such other municipality.

(2) The council of the Corporation may, by by-law, re- Idem.
regulate and provide for the admission, treatment, conduct,
discipline, discharge and the rates or charges of inmates of a
home for aged persons established pursuant to this section.

2. Section 2 of *The City of Toronto Act, 1909*, is amended 1909,
c. 125, s. 2,
amended.
by adding thereto the following subsection:

(11a) Subsections 6, 9 and 10 shall not apply to the pay- Payment of
accounts not
exceeding
\$500.
ment of accounts of \$500 or less, which are author-
ized by the mayor or a member of the board of con-
trol appointed for that purpose and certified by the
head of the department concerned.

3. The council of the Corporation may open and construct Roadway
through
cemetery,
permission
for.
as part of the Don Valley highway system a highway 70 feet
in width, exclusive of slopes, and the necessary connections
thereto through or adjoining the lands of the Trustees of the
Toronto General Burying Grounds known as Mount Pleasant
Cemetery, and may acquire or expropriate the lands of the
Trustees necessary therefor, provided that,—

- (a) between Moore Avenue and a point 600 feet south of Merton Street the boundaries of such 70-foot highway and the approaches thereto shall not be located at a greater distance than 35 feet from the boundaries of the strip of land through the said cemetery vested in The Toronto Belt Line Railway Company;
- (b) between Merton Street and a point 600 feet south no part of such 70-foot highway and the approaches thereto shall be located to the west of the strip of land through the said cemetery vested in The Toronto Belt Line Railway Company or to the east of a straight line drawn from the north-westerly angle of the north-easterly pier of the concrete bridge erected by the said Trustees across the said strip of land and a point in the southerly limit of Merton Street distant 300 feet east of the easterly limit of Mount Pleasant Road.

Acquisition
of lands for
T.T.C.

4. The power of the council of the Corporation to acquire land for its purposes shall be deemed to include the power to acquire land for the purposes of the Toronto Transportation Commission, but shall not include the power to acquire otherwise than by agreement land owned or used by other bus line operators or operators of other transportation facilities, except with the approval of the Department of Municipal Affairs.

Sick pay
credit grants.

5.—(1) The council of the Corporation may, by by-law, provide for granting to employees or any class thereof, whose employment is terminated by death or otherwise, the whole or part of such amount as is equal to the sick pay credit of the employee, but in no case shall such amount exceed an amount equal to the aggregate of his salary or other remuneration for the six months preceding the termination of his employment.

"Employee",
defined.

(2) In this section, "employee" shall mean any person in the employ of the Corporation or any board, commission, or other local authority appointed wholly or partly by the council of the Corporation, who has been in such employment for at least five years and shall include one or more dependants of any such person who dies during his employment or within six months thereafter.

Payment
over of
surplus
damages.

6. Where in an action arising out of an accident to an employee the Corporation recovers from a third person a larger amount, exclusive of costs, than the amount paid to or on behalf of such employee as a result of the accident, the surplus amount may be paid to such employee or, in the event of his death, to one or more of his dependants.



7. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent. ^{ment of Act.}

8. This Act may be cited as '*The City of Toronto Act*, ^{Short title.}
No. 2, 1946.

An Act respecting the City of Toronto

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the Committee on
Private Bills.)*

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Toronto.

MR. ROBERTS

BILL

An Act respecting the City of Toronto.

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by its petition prayed for special legislation in respect
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is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
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1.—(1) The council of the Corporation of the City of Home for
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maintain a home for aged persons in the municipality or in
any other municipality with its consent; and may acquire,
establish, construct, operate, equip and maintain a home for
aged persons jointly with another municipality either within
the City of Toronto or within such other municipality.

(2) The council of the Corporation may, by by-law, re- Idem.
regulate and provide for the admission, treatment, conduct,
discipline, discharge and the rates or charges of inmates of a
home for aged persons established pursuant to this section.

2. Section 2 of *The City of Toronto Act, 1909*, is amended 1909,
by adding thereto the following subsection: c. 125, s. 2,
amended.

(11a) Subsections 6, 9 and 10 shall not apply to the pay- Payment of
ment of accounts of \$500 or less, which are author- accounts not
ized by the mayor or a member of the board of con- exceeding
trol appointed for that purpose and certified by the \$500.
head of the department concerned.

3. The council of the Corporation may open and construct Roadway
as part of the Don Valley highway system a highway 70 feet through
in width, exclusive of slopes, and the necessary connections cemetery,
thereto through or adjoining the lands of the Trustees of the permission
Toronto General Burying Grounds known as Mount Pleasant for.
Cemetery, and may acquire or expropriate the lands of the
Trustees necessary therefor, provided that,—

- (a) between Moore Avenue and a point 600 feet south of Merton Street the boundaries of such 70-foot highway and the approaches thereto shall not be located at a greater distance than 35 feet from the boundaries of the strip of land through the said cemetery vested in The Toronto Belt Line Railway Company;
- (b) between Merton Street and a point 600 feet south no part of such 70-foot highway and the approaches thereto shall be located to the west of the strip of land through the said cemetery vested in The Toronto Belt Line Railway Company or to the east of a straight line drawn from the north-westerly angle of the north-easterly pier of the concrete bridge erected by the said Trustees across the said strip of land and a point in the southerly limit of Merton Street distant 300 feet east of the easterly limit of Mount Pleasant Road.

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Sick pay
credit grants.

5.—(1) The council of the Corporation may, by by-law, provide for granting to employees or any class thereof, whose employment is terminated by death or otherwise, the whole or part of such amount as is equal to the sick pay credit of the employee, but in no case shall such amount exceed an amount equal to the aggregate of his salary or other remuneration for the six months preceding the termination of his employment.

"Employee",
defined.

(2) In this section, "employee" shall mean any person in the employ of the Corporation or any board, commission, or other local authority appointed wholly or partly by the council of the Corporation, who has been in such employment for at least five years and shall include one or more dependants of any such person who dies during his employment or within six months thereafter.

Payment
over of
surplus
damages.

6. Where in an action arising out of an accident to an employee the Corporation recovers from a third person a larger amount, exclusive of costs, than the amount paid to or on behalf of such employee as a result of the accident, the surplus amount may be paid to such employee or, in the event of his death, to one or more of his dependants.

7. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent. ^{ment of Act.}

8. This Act may be cited as *The City of Toronto Act*, ^{Short title.}
No. 2, 1946.

An Act respecting the City of Toronto

1st Reading

March 22nd, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. ROBERTS

No. 25

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting The Trusts and Guarantee Company Limited

MR. MICHENER

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

No. 25

1946

BILL

An Act respecting The Trusts and Guarantee Company Limited

WHEREAS The Trusts and Guarantee Company Limited has by its petition represented that it is a corporation incorporated by Letters Patent under the Great Seal of the Province of Ontario and is a trust company within the meaning of *The Loan and Trust Corporations Act*; and that Crown Trust Company is a corporation incorporated by Act of the Legislature of the Province of Quebec and is a trust company within the meaning of *The Loan and Trust Corporations Act* and is registered under the provisions of that Act; and that the said two companies have entered into an agreement for the purchase by The Trusts and Guarantee Company Limited of the assets, undertaking and business of the Crown Trust Company; and whereas The Trusts and Guarantee Company Limited has prayed for special legislation to enable the carrying out of the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Rev. Stat.,
c. 257.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 59 to 68 and subsections 1 and 3 to 6 of section 69 of *The Loan and Trust Corporations Act* shall apply to a purchase of the assets of Crown Trust Company by The Trusts and Guarantee Company Limited or to an amalgamation of the companies.

Rev. Stat.,
c. 257, ss. 59
to 68, and
s. 69, subs. 1,
and 3 to 6, to
apply.

2. Upon the assent of the Lieutenant-Governor in Council to an agreement or offer for the purchase by The Trusts and Guarantee Company Limited of the assets of the Crown Trust Company given under section 64 of *The Loan and Trust Corporations Act*, the name of The Trusts and Guarantee Company Limited shall be, and is hereby changed to, "Crown Trust and Guarantee Company".

Change of
name.

3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have come into force on the 1st day of January, 1946.

Commence-
ment of Act;
retrospective
effect.

4. This Act may be cited as *The Trusts and Guarantee Company Limited Act, 1946*.

Short title.

An Act respecting The Trusts and
Guarantee Company, Limited.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. MICHENER

(*Private Bill*)

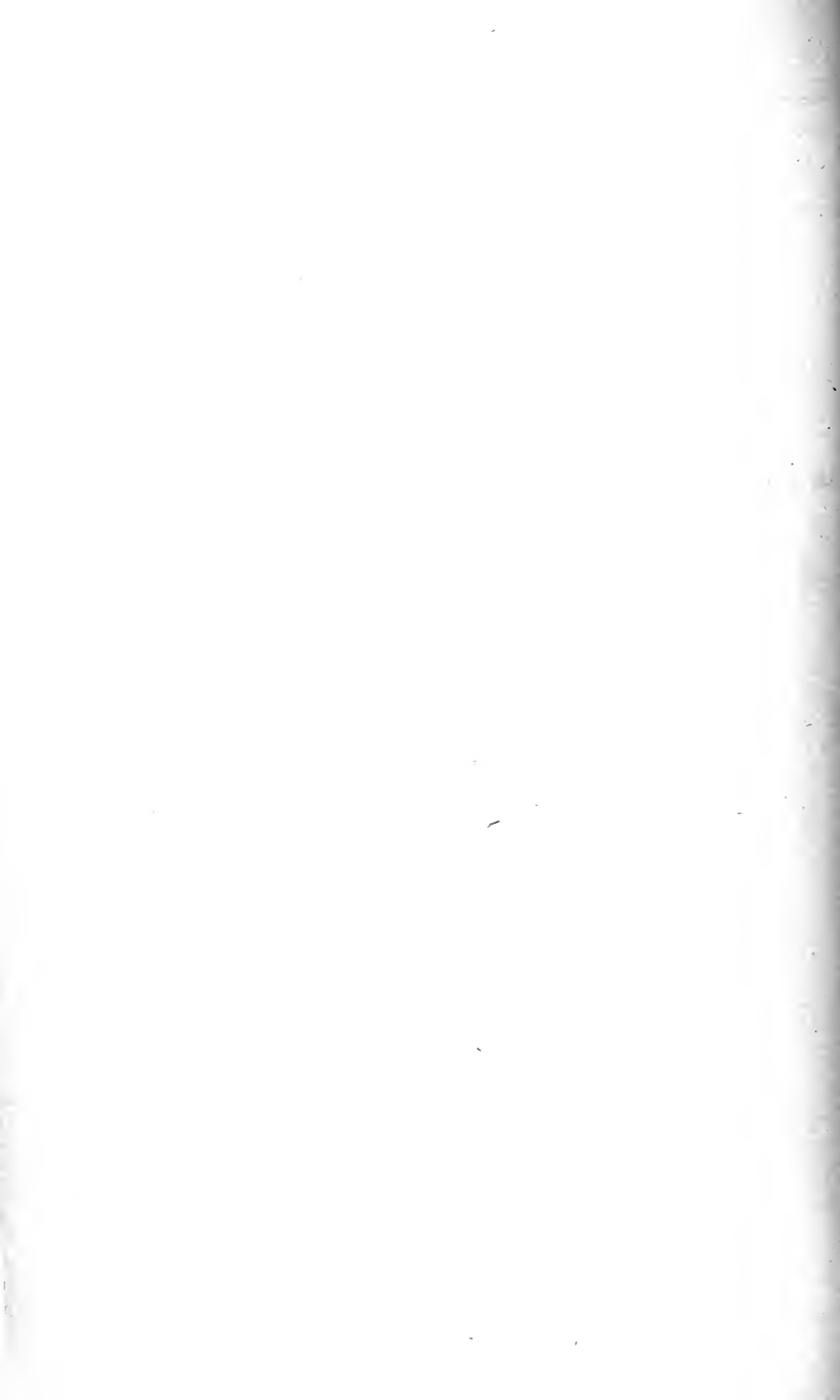
No. 25

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting The Trusts and Guarantee Company Limited

MR. MICHENER



BILL

An Act respecting The Trusts and Guarantee Company Limited

WHEREAS The Trusts and Guarantee Company Limited has by its petition represented that it is a corporation incorporated by Letters Patent under the Great Seal of the Province of Ontario and is a trust company within the meaning of *The Loan and Trust Corporations Act*; and that Crown Trust Company is a corporation incorporated by Act of the Legislature of the Province of Quebec and is a trust company within the meaning of *The Loan and Trust Corporations Act* and is registered under the provisions of that Act; and that the said two companies have entered into an agreement for the purchase by The Trusts and Guarantee Company Limited of the assets, undertaking and business of the Crown Trust Company; and whereas The Trusts and Guarantee Company Limited has prayed for special legislation to enable the carrying out of the said agreement; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 59 to 68 and subsections 1 and 3 to 6 of section 69 of *The Loan and Trust Corporations Act* shall apply to a purchase of the assets of Crown Trust Company by The Trusts and Guarantee Company Limited or to an amalgamation of the companies. Rev. Stat., c. 257, ss. 59 to 68, and s. 69, subs. 1, and 3 to 6, to apply.
2. Upon the assent of the Lieutenant-Governor in Council to an agreement or offer for the purchase by The Trusts and Guarantee Company Limited of the assets of the Crown Trust Company given under section 64 of *The Loan and Trust Corporations Act*, the name of The Trusts and Guarantee Company Limited shall be, and is hereby changed to, "Crown Trust and Guarantee Company". Change of name.
3. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have come into force on the 1st day of January, 1946. Commencement of Act: retrospective effect.
4. This Act may be cited as *The Trusts and Guarantee Company Limited Act, 1946*. Short title.

An Act respecting The Trusts and
Guarantee Company, Limited.

1st Reading

March 19th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. MICHENER

No. 26

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Credit Foncier Franco-Canadien.

MR. MICHENER

(PRIVATE BILL)

BILL

An Act respecting Credit Foncier Franco-Canadien.

WHEREAS Credit Foncier Franco-Canadien has by Preamble. petition represented that it was incorporated by an Act of the Legislature of the Province of Quebec, entitled *An Act to incorporate the "Credit Foncier Franco-Canadien"*, ^{Quebec, 1880, c. 60.} being chapter 60 of the Statutes of Quebec, 1880, and that the Company is authorized to carry on business in the Province of Ontario by an Act entitled *An Act respecting the Credit Foncier Franco-Canadien*, ^{1881, c. 51.} being chapter 51 of the Statutes of Ontario, 1881, which last-mentioned Act repeated in part only the powers granted to the Company by the aforesaid Statutes of Quebec; and whereas the Company is desirous of being authorized to exercise in the Province of Ontario all the powers vested in it by the aforesaid statute of Quebec and to hold real estate acquired in payment, or for protection of its claims, for the period authorized by *The Loan and Trust Corporations Act*; ^{Rev. Stat., c. 257.} and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the Act entitled *An Act respecting* ^{1881, c. 51, s. 1, re-enacted.} *the Credit Foncier Franco-Canadien*, being chapter 51 of the statute of Ontario, 1881, is repealed and the following substituted therefor:

1. It shall be lawful for the corporation created and ^{Powers.} constituted by the aforesaid statute of the Legislature of the Province of Quebec under the name of Credit Foncier Franco-Canadien to carry on its business and to exercise in the Province of Ontario all the powers granted to or vested in it by the said statute as now amended or as from time to time hereafter amended; provided, however, that the ^{Proviso.} corporation shall in respect of all its business relating to property, rights or interests in the Province of Ontario, be subject to *The Loan and Trust Corpora-* ^{Rev. Stat., c. 257.}

tions Act and amendments thereto, and provided that the corporation's power to borrow in the Province of Ontario by taking deposits or issuing debentures, debenture stock or like obligations shall be subject to such terms and conditions as may be from time to time prescribed by the Lieutenant-Governor in Council.

1881,
c. 51, s. 2,
repealed.

(2) Section 2 of the said Act is repealed.

1881,
c. 51, s. 9,
amended.

(3) Section 9 of the said Act is amended by striking out the words "within seven years from the acquisition thereof" in the tenth and eleventh lines and inserting in lieu thereof the words "within the time limited under *The Loan and Trust Corporations Act* for a corporation not being a loaning land company", so that the said section shall now read as follows:

Power to
acquire
real estate
necessary
for offices.

9. The said corporation may acquire and hold such real estate as may be necessary for its offices for the transaction of its business in the Province of Ontario, but the value of the real estate acquired for such purpose, shall not at any time exceed the sum of one hundred thousand dollars; it may, from time to time, lease, mortgage, sell, or otherwise dispose of, such real estate; it may also, for the protection of its investments, purchase and hold real estate mortgaged in its favour, but it shall sell, or otherwise dispose of, such real estate so acquired in payment, or for the protection of its claims, within the time limited under *The Loan and Trust Corporations Act* for a corporation not being a loaning land company; meantime it may, from time to time, mortgage or lease the real estate so acquired and held.

Rev. Stat.,
c. 257.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Credit Foncier Franco-Canadien Act, 1946*.



BILL
An Act respecting Credit Foncier
Franco-Canadien.

1st Reading

2nd Reading

3rd Reading

MR. MICHENER

(*Private Bill*)

No. 26

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Credit Foncier Franco-Canadien.

MR. MICHENER

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Credit Foncier Franco-Canadien.

WHEREAS Credit Foncier Franco-Canadien has by Preamble. petition represented that it was incorporated by an Act of the Legislature of the Province of Quebec, entitled *An Act to incorporate the "Credit Foncier Franco-Canadien"*, Quebec, 1880, c. 60, being chapter 60 of the Statutes of Quebec, 1880, and that the Company is authorized to carry on business in the Province of Ontario by an Act entitled *An Act respecting the Credit Foncier Franco-Canadien*, being chapter 51 of the Statutes of Ontario, 1881, which last-mentioned Act repeated in part only the powers granted to the Company by the aforesaid Statutes of Quebec; and whereas the Company is desirous of being authorized to exercise in the Province of Ontario all the powers vested in it by the aforesaid statute of Quebec and to hold real estate acquired in payment, or for protection of its claims, for the period authorized by *The Loan and Trust Corporations Act*; and whereas it is expedient to grant the prayer of the said petition; 1881, c. 51.
Rev. Stat.,
c. 257.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the Act entitled *An Act respecting the Credit Foncier Franco-Canadien*, being chapter 51 of the statute of Ontario, 1881, is repealed and the following substituted therefor: 1881,
c. 51, s. 1,
re-enacted.

1. It shall be lawful for the corporation created and constituted by the aforesaid statute of the Legislature of the Province of Quebec under the name of Credit Foncier Franco-Canadien to carry on its business and to exercise in the Province of Ontario all the powers granted to or vested in it by the said statute as now amended or as from time to time hereafter amended; provided, however, that the corporation shall in respect of all its business relating to property, rights or interests in the Province of Ontario, be subject to *The Loan and Trust Corpora-* Powers.
Proviso.
Rev. Stat.,
c. 257.

tions Act and amendments thereto, and provided that the corporation's power to borrow in the Province of Ontario by taking deposits or issuing debentures, debenture stock or like obligations shall be subject to such terms and conditions as may be from time to time prescribed by the Lieutenant-Governor in Council.

1881,
c. 51, s. 2,
repealed.

(2) Section 2 of the said Act is repealed.

1881,
c. 51, s. 9,
amended.

) Section 9 of the said Act is amended by striking out the words "within seven years from the acquisition thereof" in the tenth and eleventh lines and inserting in lieu thereof the words "within the time limited under *The Loan and Trust Corporations Act* for a corporation not being a loaning land company", so that the said section shall now read as follows:

Power to
acquire
real estate
necessary
for offices.

9. The said corporation may acquire and hold such real estate as may be necessary for its offices for the transaction of its business in the Province of Ontario, but the value of the real estate acquired for such purpose, shall not at any time exceed the sum of one hundred thousand dollars; it may, from time to time, lease, mortgage, sell, or otherwise dispose of, such real estate; it may also, for the protection of its investments, purchase and hold real estate mortgaged in its favour, but it shall sell, or otherwise dispose of, such real estate so acquired in payment, or for the protection of its claims, within the time limited under *The Loan and Trust Corporations Act* for a corporation not being a loaning land company; meantime it may, from time to time, mortgage or lease the real estate so acquired and held.

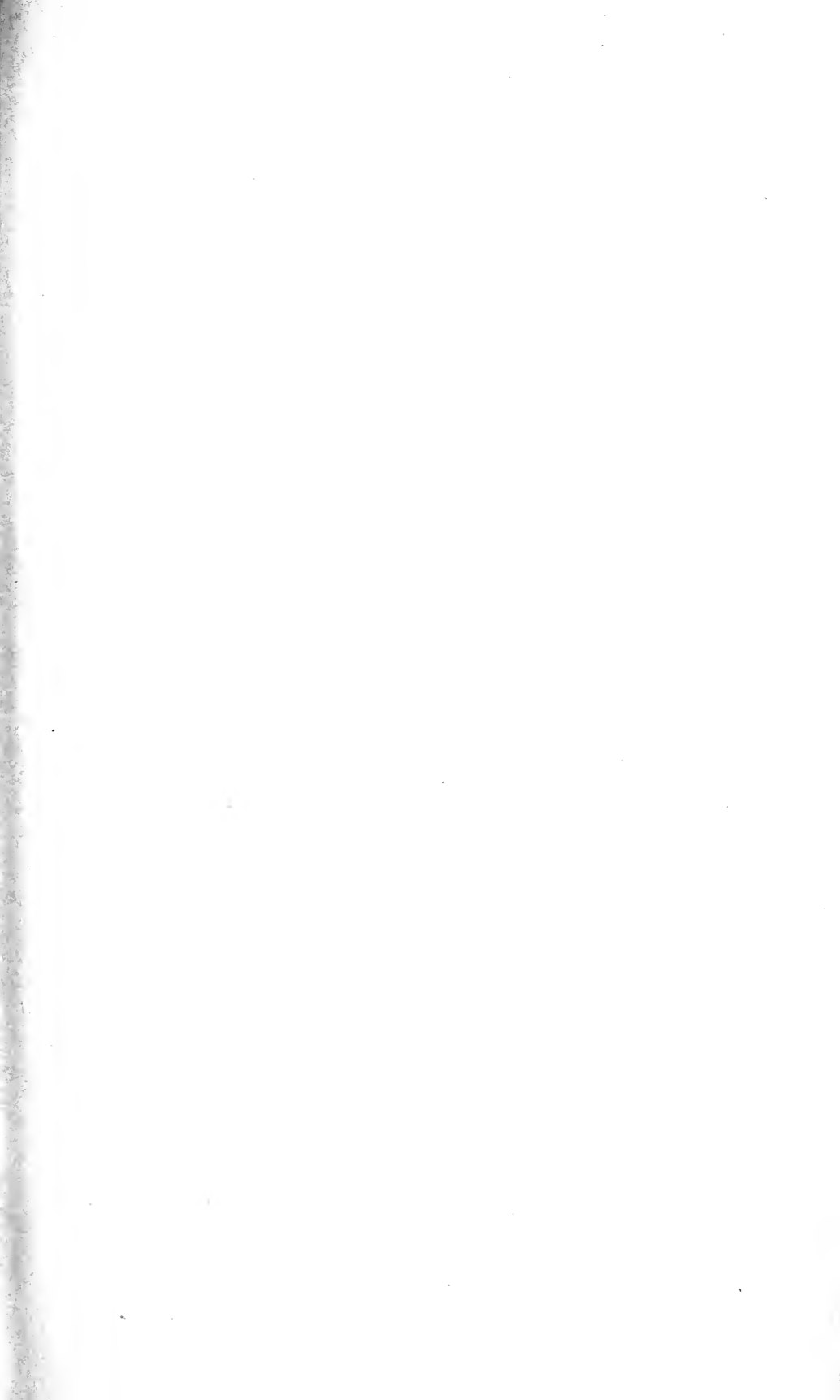
Rev. Stat.,
c. 257.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Credit Foncier Franco-Canadien Act, 1946*.



An Act respecting Credit Foncier
Franco-Canadien.

1st Reading

March 19th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. MICHENER

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of York.

MR. SALE

(PRIVATE BILL)



BILL

An Act respecting the Township of York.

WHEREAS the Corporation of the Township of York Preamble.
has by its petition prayed for special legislation in
respect of the several matters hereinafter set forth; and
whereas it is expedient to grant to prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1.—(1) By-law number 12759 passed on the 4th day of Ward by-law
validated.
March, 1946, dividing the Township of York into four wards
to be known as Wards One, Two, Three and Four is hereby
approved, ratified and confirmed, and declared to be legal,
valid and binding upon the Corporation and the ratepayers
thereof.

(2) The council of the Corporation of the Township of York Alteration of
boundaries
of wards.
may from time to time with the approval of the Ontario
Municipal Board pass by-laws to alter the boundaries of any
of the wards into which the Township is divided.

2.—(1) The council of the Corporation of the Township of Composition
of council.
York shall at, from and after the next municipal election con-
sist of the reeve, four deputy reeves and four councillors.

(2) The reeve shall be elected by a general vote and one Mode of
voting.
deputy reeve and one councillor shall be elected from each of
the four wards by a vote of the municipal electors entitled to
vote in such ward.

(3) The nomination of candidates for deputy reeve and Nominations
meeting.
councillor in each of the wards shall be held at the same time
and place as nominations for reeve.

(4) One set of ballot papers shall be prepared for all polling Ballot
papers.
subdivisions, containing the names of the candidates for reeve,
one set for each ward containing the names of candidates for
deputy reeve, and a third set for each ward containing the

Rev. Stat.,
c. 266.

names of candidates for councillor and the form thereof shall be *mutatis mutandis* according to Form 3 of *The Municipal Act*.

3. Section 3 of *The Township of York Act, 1924*, as amended by section 2 of *The Township of York Act, 1928*, is repealed, provided that the repeal of the said section shall not affect the present members of the council and Board of Education who shall continue in office as if the said section were not repealed.

1934,
o. 104, s. 2,
subs. 2, cl. a,
re-enacted.

4.—(1) Clause *a* of subsection 2 of section 2 of *The Township of York Act, 1934*, is repealed and the following substituted therefor:

(a) Two of the members shall be elected from each ward;

Prospective
effect.

(2) Subsection 1 shall apply at, from and after the next municipal election in the Township of York.

1916,
c. 100,
amended.

5.—(1) The Act entitled *An Act respecting the Township of York*, being chapter 100 of the Statutes of Ontario, 1916, as amended by section 1 of an Act entitled *An Act respecting the Township of York*, being chapter 98 of the Statutes of Ontario, 1917, as amended by section 1 of *An Act respecting the Township of York*, being chapter 114 of the Statutes of Ontario, 1919, as amended by section 1 of *An Act respecting the Township of York*, being chapter 150 of the Statutes of Ontario, 1920, as amended by section 5 of *The Township of York Act, 1924*, and as amended by section 7 of *The Township of York Act, 1925*, is further amended by striking out the words "any defined sections or areas", "any section or area" and "such section or area", and words of similar import wherever they appear in the said Act and inserting in lieu thereof the words "the Corporation" or "the Township" as the context requires.

1916,
c. 100,
ss. 3, 4,
repealed.

(2) Sections 3 and 4 of the said Act entitled *An Act respecting the Township of York*, being chapter 100 of the Statutes of Ontario, 1916, are repealed.

Waterworks
system,
revenues and
expenditures.

(3) Notwithstanding any of the provisions of the said section 1 as amended, the revenues and expenditures of the waterworks system including capital expenditures and any levies in payment of debentures may be charged, credited or otherwise dealt with in the manner provided in *The Public Utilities Act*.

Rev. Stat.,
c. 286.

Waterworks'
sections
dissolved.

(4) Waterworks sections A and B as defined by by-law of the Corporation of the Township of York are hereby dissolved.

Tourist
camps.

6.—(1) The council of the Corporation of the Township of York may pass by-laws for defining, licensing, regulating and governing tourist camps, trailer camps and trailers; and may pass by-laws prohibiting the location, erection or use of any trailers for living quarters without a licence therefor.



(2) The provisions of sections 271 and 520 to 525 of *The Rev. Stat., c. 266* *Municipal Act* shall apply to any by-law passed under this ^{applicable.} section in the same manner as though the by-law had been passed under the authority of the said Act.

7. The agreement made between the Corporation of the ^{York Town-} Township of York and the Corporation of the Village of ^{Forest Hill agree-} Forest Hill dated the 1st day of August, 1942, set forth as ^{ment} schedule A hereto, is hereby ratified and confirmed and de- ^{validated.} clared to be legal, valid and binding upon the said Corpora- tions and the ratepayers thereof.

8. The agreement made between the Corporation of the ^{York Town-} Township of York and the Board of Education for the Town- ^{ship-York} ship of York dated the 10th day of April, 1944, set forth as ^{Township} schedule B hereto, is hereby ratified and confirmed and de- ^{Board of} clared to be legal, valid and binding upon the parties thereto ^{Education} and upon the ratepayers of the Township of York. ^{agreement} ^{validated.}

9. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

10. This Act may be cited as *The Township of York Act*, ^{Short title.} 1946.

SCHEDULE A

MEMORANDUM OF AGREEMENT made this First day of August, 1942.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE VILLAGE OF FOREST HILL,
hereinafter called the "Village",

OF THE SECOND PART.

WHEREAS the Village, which formerly comprised part of the Township of York, was incorporated as a municipality separate and apart from the Township as of the Fifteenth day of December, 1923;

AND WHEREAS the area which now composes the Village formed part of Waterworks Area "A" in the Township of York;

AND WHEREAS since incorporation of the said Village the Township has continued to operate the waterworks system and to serve water consumers in the Village as though it had remained in Waterworks Area "A" as part of the Township;

AND WHEREAS since its incorporation the Village has issued Debentures to provide for the cost of all new waterworks installations within the limits of the Village; and the Township has contributed 79.88 per cent. of the Corporation's or area's share of the annual payments of all watermain installations both in the Village and the remainder of waterworks Area "A";

AND WHEREAS the Village since its incorporation has paid 20.12 per cent of the annual payments on the Corporation's or Area's share of debentures issued by the Village or the Township, for all watermains within the Village and the remainder of Waterworks Area "A";

AND WHEREAS the parties hereto have agreed that the Village shall take over the operation and control of the part of the Water Works System within the limits of the Village, on, and after the first day of September, 1942, and have agreed to adjust the assets and liabilities of the said Waterworks System on, upon and subject to the terms and conditions of this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants and obligation hereinafter contained it is hereby agreed by and between the parties hereto as follows:

1. That the Village shall, except as hereinafter provided, on from and after the first day of September, 1942, take over and thereafter be absolute owner of and solely responsible for the management and operation of that part of the Waterworks System located within the limits of the Village including all 6 inch and 12 inch watermains, all valves, hydrants, chamber, appliances and appurtenance connected with said 6" and 12" mains, all water services within the public streets and all service meters installed in customers premises.

2. The Township shall from and after the First day of September, 1942, be and remain the absolute owner of all the Waterworks System situate within the limits of Waterworks Areas "A" and "B" in the Township of York, including all 6 inch, 12 inch, 16 inch and 24 inch watermains, all valves, hydrants, chambers, appliances and appurtenances connected with said 6 inch, 12 inch, 16 inch and 24 inch mains; all water services within the public streets and all service meters installed in customers premises.

3. That portion of the 24 inch trunk watermain (with valves, chambers and appurtenances connected therewith) installed in Eglinton Avenue lying between Lyon Avenue and the west limit of the meter installed at the intersection of Bathurst Street, notwithstanding that it is located within the limits of the Village, shall from and after the said date be and remain the sole property and responsibility of the Township, and the Township shall have the right at any time and from time to time through its agents and workmen to enter upon any lands or highways within the Village for the purpose of maintaining, altering and repairing at its own expense the said portion of trunk main as may be necessary, and for this purpose if necessary may cut the pavement and sidewalk and dig in and under the highway. The Township shall notify the Village of its intention before making repairs, or as soon thereafter as possible; and the Village shall upon completion of the said work by the Township restore and repair the pavement and sidewalk as soon as practicable thereafter at the expense of the Township.

4.—(a) That portion of the said 24-inch trunk watermain (including valves, chambers and appurtenances) in Eglinton Avenue lying between Duplex Avenue and the west limit of the meter installed at the intersection of Bathurst Street, shall from and after the first day of September, 1942, be owned jointly by the Township and Village, the Township having an undivided 75% interest therein, and the Village an undivided 25% interest.

(b) That portion of the said trunk main lying between Duplex Avenue and Gilgorn Avenue, which lies partly within the limits of the City of Toronto, and partly within the limits of the Village may continue to be maintained, and repaired by the City of Toronto, the cost of such maintenance and repairs to be borne 75 percent by the Township and 25 percent by the Village, subject to revision and readjustment as provided in clause (d) hereof.

(c) Subject to the provision of Clause (b) that portion of the said trunk main lying between Duplex Avenue and the West Limit of the meter installed at the intersection of Bathurst Street shall, with the co-operation of the Village, be maintained, and repaired, by the Township. The cost of the maintenance, and repair, of this portion of the trunk main is to be borne annually in the proportion of: 75 percent by the Township and 25 percent by the Village; any loss of water in this portion of the said trunk main which is due to breaks or leakage shall be considered part of the cost of maintenance and shall be borne and paid for in the same proportion.

(d) The percentage of the cost of the maintenance and repairs as provided in clause (b) and (c) of this paragraph, shall be reviewed by the Engineers of the Township and the Village, every 5 years hereafter, and shall be readjusted if necessary on the basis of the amount of water used through said trunk main by the Township and the Village respectively.

(e) The words "maintained and repaired" and the words "maintenance and repairs" where used in this paragraph 4, are not to be deemed to mean or include "enlarged" or "enlargement".

5. It is agreed that the owners of lands fronting on the east side of Lyon Avenue within the Village and the owners of lands fronting on the east side of Bathurst Street between the south Village limit and a point 600 feet north of the north street line of Lonsmount Drive within the Village, having paid their share of the cost of the 12 inch watermain constructed in front of the said lands, shall be entitled to be served by the Township with water from the existing main but any necessary connection to the said watermain shall be made at the expense of any such owner.

Each consumer service located on any of the said lands shall be metered. The said meters shall be read by the Village, and the total sum of the metered consumption of all such services as computed by the Village shall be paid by the Village to the Township at regular billing intervals, at the base rate for water paid by the Township to the City of Toronto. In the event of the Village constructing a watermain in front of any of the said lands the right of any such owner fronting thereon to receive water from the Township main shall thereupon cease.

6. The Township shall at the expense of the Village close and seal all existing valves and instal, close and seal such additional valves (as are so shown to be installed on the separation plan prepared by the Village, a copy of which is hereto attached) on the boundaries or crossing the boundaries between the Township and the Village; any internal changes of the waterworks system required within the Village boundaries shall, except as hereinafter provided, be made by the Village at its own expense.

7. The Village shall forthwith proceed to instal,

- (a) A Venturi Meter together with meter chamber, recording house and all appliances and appurtenances at Bathurst Street and Eglinton Avenue, which meter shall have a maximum capacity of ten million imperial gallons per day.
- (b) A compound meter together with meter chamber and all appliances and appurtenances at Bathurst Street and Lonsdale Road which meter shall be at least equal in capacity to the one at present installed at Kilbarry Road.
- (c) Rearrange the present meter piping and meter chamber at Kilbarry Road so that the meter will be installed on an 8-inch by-pass and a 12-inch valve will be placed in the 12-inch main opposite the bye-pass.

Notwithstanding the provisions contained in any agreement between the City of Toronto and the Township, and/or between the said City and Village, the cost of the meter and other installations referred to in clause 7(a) and the cost of installing the same, shall be wholly borne and paid for by the Village. The cost of the meter and other installations referred to in clause 7(b) and the cost of installing the same, and the cost of rearranging the meter referred to in clause 7(c) shall be paid in the proportion of $33\frac{1}{3}\%$ by the Township and $66\frac{2}{3}\%$ by the Village. The three meters and other appliances and appurtenances referred to above, and the Venturi meter and its appliances and appurtenances at Eglinton Avenue and Gilgorm Road, shall be owned jointly by the Township and the Village, the Township having an undivided 75 percent interest therein and the Village an undivided 25 percent interest. The maintenance, repair, renewal or enlargement of the meter, meter chamber and piping at Eglinton and Gilgorm Avenue, and the renewal or enlargement of the other three meters and piping shall when considered necessary by either party, or by the City of Toronto, be done by the Township with the co-operation of the Village, and the cost of the same, and of the heating and rental of the recorder houses, and the supply of charts for the Venturi meters shall be borne and paid for by the Township and Village in the proportion of 75% by the Township and 25% by the Village. The said percentage of the cost to be borne by the Township and Village respectively shall be reviewed by the Engineers of the Township and the Village, every five (5) years hereafter, and readjusted if necessary on the basis of the amount of water used by each party through any such meter.

Nothing in this paragraph contained shall be deemed to authorize or provide herein for the enlargement of any meter beyond the present capacity of the main supplying any such meter.

8. If the Works Commissioner of the Township or of the Village questions the accuracy of any of the four meters above-mentioned and requests that a test be made, a test shall be carried out by a suitable third party within one month from the making of the request. Upon receipt of the report any necessary repairs, adjustments or renewals shall be made.

If due to inaccuracy in the meters at Bathurst and Eglinton and at Bathurst and Lonsdale or either of them, the Township shall have overpaid or underpaid its share of any water bill to the City of Toronto, the Village shall make the proper adjustment with the Township. Any discrepancy due to inaccuracy in either of the other two meters will be a matter of adjustment between the Village and the City of Toronto.

9. In the event of an emergency, a sealed valve in a watermain at

the boundary between the two Municipalities may be opened by the Commissioner of Works of one Municipality upon notice to the Commissioner of Works of the other. The amount of water drawn by such Municipality through such valve during such emergency shall be estimated as accurately as possible and paid for at the base rate payable to the City of Toronto. Any dispute with regard thereto shall be settled in the manner hereinafter provided for the settlement of disputes.

10. The Village has constructed a 12 inch watermain from the existing watermain in Lonsdale Road near the west boundary of Plan M-408 to the existing watermain in Lonsmount Drive. The Township has constructed a 6-inch watermain to connect the existing watermain on Heath Street with existing watermain on Tichester Road. It is agreed that the cost of these two extensions shall be totalled and the total amount thereof shall be ultimately borne and paid for by the two Municipalities in the proportion of 80 per cent by the Township and 20 per cent by the Village; settlement on this basis is to be made in cash on or before the first day of October, 1942. The Municipality in which the said mains are respectively situate shall own and maintain the same.

11. The Village has extended the existing 12-inch main on Elm Ridge Drive (Roselawn Avenue) westerly from Marwood Road (Nokomis Street) to the Village limits connecting with the Township main at this point where a valve has been placed and sealed.

As required by Village development but in any event within three years from the date of this agreement the Village shall undertake as a Local Improvement the extension of the 12-inch main on Elm Ridge Drive (Roselawn Avenue) easterly from Marwood Road (Nokomis Street) to Bathurst Street.

The Township hereby agrees to pay to the Village 80 per cent of 55 per cent of the cost of the main (less cross-connections and hydrants) in respect of (a) the 12-inch main which has been installed in Elm Ridge Drive (Roselawn Avenue) from Marwood Road (Nokomis Street) westerly to the West Village limits and (b) the 12-inch main later to be installed in Elm Ridge Drive from Marwood Road (Nokomis Street) easterly to connection with the existing 12-inch main in Bathurst Street. The Village shall own and maintain these 12-inch mains on Elm Ridge Drive (Roselawn Avenue).

The construction of the watermain in Elm Ridge Drive, referred to in clause (b), shall if possible be carried out under the Local Improvement Act, failing which the same shall with the approval of the Township be constructed at a general expense, in which event 80 per cent of the cost of the said main (less cross-connection and hydrants) shall be borne by the Township and the remainder of the cost shall be borne by the Village. The Township shall pay its share of the cost either in cash within six months of completion of the work, or by instalments over the terms of the debentures.

The construction and installation referred to in clause (b) hereof shall be subject to the obtaining of all necessary legal authority.

12. The Village shall not close (other than temporarily for the purpose of carrying out repairs) any valves on the internal network of 6 inch or 12 inch watermains within the Village of Forest Hill so as to stop or impede the flow of water westerly across the said Village to the outlets on the boundary between the said Village and the Township. The Township shall have the right in perpetuity to the use of Village watermains.

13. The Village covenants and agrees that it will, from and after the first day of January, 1942, assume and pay the instalments of principal and interest which may fall due in the year 1942 and in each and every year thereafter on debentures heretofore and hereafter issued by the Village to cover the cost of any watermains, appurtenances and appliances purchased or installed by the Village since its incorporation and will likewise, except as herein provided, pay the cost of any such watermains, appurtenances and appliances which are now or which may hereafter be

installed or purchased and in respect to which no debentures have been issued.

14. The Township covenants and agrees that it will, from and after the first day of January, 1942, assume and pay the instalments of principal and interest which may fall due in the year 1942 and in each and every year thereafter on debentures heretofore and hereafter issued by the Township to cover the cost of any watermains, appurtenances and appliances purchased or installed by the Township as part of the Waterworks System in Waterworks Area A and will likewise except as herewith provided pay the cost of any such watermains, appurtenances and appliances which may now or hereafter be installed or purchased by the Township in that portion of Waterworks Area A within the limits of the said Township and in respect to which no debentures have been issued.

15. The Township hereby covenants and agrees with the Village that in addition to its obligations under the provisions of paragraphs 7, 10 and 11 hereof, that it, the said Township, will pay to the Village the sum of \$26,914.67 made up as follows:

As settlement in full of all claims by the Village against the Township in respect of the assets of the said waterworks system and its operation by the Township, including any surpluses up to the 31st day of December, 1941.....	\$ 25,000.00
All claims against the Township in respect of the said waterworks system and its operation including surpluses for the period from January 1st, 1942, to August 31st, 1942.....	4,208 00
	<hr/> \$29,208.00
Less: Hydrant rental payable by the Village to the Township on 344 hydrants at \$10.00 per hydrant per annum for eight months from January 1st to August 31st, 1942.....	2,293.33
	<hr/> \$26,914.67

Payment of the said amount may be satisfied in whole or in part by delivery by the Township to the Village of accounts due for water consumption within the Village. Any balance over and above the total of such accounts shall be paid by the Township to the Village as provided in paragraph 23 hereof.

16. The Village hereby grants, quit claims and releases to the Township all its right, title and interest in and to any and all of the assets and undertaking of the said waterworks system (except as herein expressly conveyed to the Village) including but not so as to limit the generality of the foregoing, all trucks, office equipment, waterworks stores, cash surpluses and reserves, watermains, meters, appliances and appurtenances; and the Village doth hereby release the Township of and from any and all claims of every nature and kind whatsoever relating to or arising out of the said waterworks system and its assets.

17. It is understood and agreed that the Village has entered into an agreement with the Corporation of the City of Toronto under which the Village agrees to purchase its water supply direct from the said City on and after September 1st, 1942. The said agreement provides that the quantity of water purchased from the City by the Township and the Village, respectively, shall be determined as follows:

- (1) The Township shall be charged by the City for all water passing through the meters at—
 - (a) Eglinton Avenue and Bathurst Street;
 - (b) Lonsdale Road and Bathurst Street.
- (2) The Village shall be charged by the City for all water passing through the meters at—

(a) Eglinton Avenue and Gilgorm Road;

(b) Kilbarry Road,

but only after deducting therefrom the quantity of water charged by the City to the Township as provided in clause 1 hereof.

18. It is agreed that the provisions of this agreement, and of the agreement entered into between the Village and the City, shall not effect or prejudice the rights of the Township under the agreement made between the City and the Township, dated the 18th day of July, 1916, and the agreement dated the 20th day of June, 1938, or under any Act of the Legislature, except as herein expressly provided.

19. The Township will, forthwith after the first day of September 1942, deliver to the Village all original plans in its possession which relate solely to that portion of the waterworks system within the limits of the Village, except the plans relating to the Eglinton Avenue trunk main; The Township will, at the same time, deliver to the Village all meter books, consumer ledger records, water service installation sheets, and other documents which relate solely to that part of the system within the Village.

The Township agrees that forthwith after the first day of September, 1942, it will pay over to the Village all security deposits then held by the Township in respect of water consumer premises situate within the limit of the Village of Forest Hill, and the Village hereby covenants to indemnify and save harmless the Township of, and from all claims, actions, suits and demands for or in respect and in any way arising out of all, such consumer deposits so paid over.

20. It is hereby agreed as between the Village and the Township that after the first day of September, 1942, each Municipality will notify the other thirty days in advance of making any decision to change the rates at which they sell water to their domestic, institutional or industrial consumers.

21. Any dispute which may arise between the parties hereto as to any matters relating to or arising out of this agreement shall be settled by the engineers of the respective Municipalities.

In the event however, of the failure of the said engineers to settle any such dispute the same shall be referred to The Ontario Municipal Board as arbitrators, and the said Board may hear and determine the dispute so referred to it and the decision of the Board shall be final and conclusive and binding on the parties hereto and shall not be subject to appeal.

22. This agreement is subject to the terms of an agreement entered into between the Township and the Corporation of the City of Toronto dated the 6th day of July, 1942, respecting the supply of water to the Township.

23. Except where otherwise provided 50 per cent of all payments to be made under the terms of this agreement shall be made on or before the first day of October, 1942, the balance on or before the first day of December, 1942.

This agreement shall enure to the benefit of and be binding on the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the Corporate Seal of the Township has been hereunder affixed under the hands of its Reeve and Clerk, and the Cor-

porate Seal of the Village has been hereunto affixed under the hands of its Reeve and Clerk.

CORPORATION OF THE TOWNSHIP OF YORK.

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

CORPORATION OF THE VILLAGE OF FOREST HILL.

F. GARDNER,
Reeve.

L. W. ARCHER,
Clerk.

SCHEDULE B

MEMORANDUM OF AGREEMENT made this Tenth day of April, 1944.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE FIRST PART,

—and—

THE BOARD OF EDUCATION FOR THE TOWNSHIP OF YORK,
hereinafter called the "Board",

OF THE SECOND PART.

WHEREAS under the provisions of By-law Number 11197 passed by the Council of the Township on the 30th day of June, 1932, pursuant to the provisions of Section 5 of *The Township of York Act, 1932*, being Chapter 96, Revised Statutes of Ontario, 1932, the whole of the Township of York was set apart as a Public School Area, and the Public School Sections included in the Township ceased to exist on the 25th day of December, 1932, and from and after the year 1933 the real and personal property of each of the said school sections became vested in The York Township Public School Board;

AND WHEREAS under the provisions of Section 4 of *The Township of York Act, 1933*, being Chapter 112 of the Statutes of Ontario, 1933, it is provided that the amount of unexpended balances to the credit of each of the rural public school sections of the said Township as of December 25th, 1932, shall be credited to the lands assessable for public school purposes in the several public school sections as they existed prior to the formation of the Township Public School Area in the levy to be made by Council in each of the years 1933, 1934 and 1935 by crediting the amount thereof in the levy to be made in such years for public school purposes, provided, however, that such credits were to be made as and when the outstanding arrears of taxes included in such unexpended balances shall have been paid;

AND WHEREAS in and by said Section 4 of said Act it was further provided that the instalments of principal and interest not due but levied for as at December 31st, 1932, in respect of debentures issued for public school purposes in the several public school sections should likewise be credited to the lands assessable for public school purposes as they existed prior to the formation of the public school area, which said credit was to be given in a levy made in the year 1933;

AND WHEREAS certain credits were given to the lands assessed for public school purposes in the said public school sections in accordance with the provisions of the said Statutes, but a substantial sum was not so credited by reason of the substantial amount of outstanding arrears of taxes included in such unexpended balances;

AND WHEREAS the outstanding arrears of taxes have been largely paid or provided for and it is agreed between the parties hereto that the amount of unexpended balances and of the instalments of principal and interest not due but levied for as at December 31st, 1932, which have not been paid over to the said public school sections or their successors in law, now amounts to the total sum of \$241,170.59;

AND WHEREAS the Board is the successor in law to the York Township Public School Board and the said Board and the Township have agreed for payment by the Township to the Board of the said sum of \$241,170.59 at the times and in the manner hereinafter provided;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants hereinafter contained it is hereby agreed by and between the Parties hereto as follows:

1. That the total amount owing by the Township to the Board in respect of the said unexpended balances and for instalments of principal and interest on debentures issued for public school purposes not due but levied for as at December 31st, 1932, referred to in Clauses 2 and 3 of Section 4 of *The Township of York Act, 1933*, to which the Board is entitled as at the present date, is the total sum of \$241,170.59

2. That the said sum of \$241,170.59 shall be paid by the Township to the Board in annual instalments of \$15,000.00 in each and every year without interest until the whole amount shall have been fully paid, the first of such annual instalments of \$15,000.00 to be paid to the Board in the year 1945.

IN WITNESS WHEREOF this agreement has been executed the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of

(Seal)

(Seal)

THE CORPORATION OF THE TOWNSHIP
OF YORK.

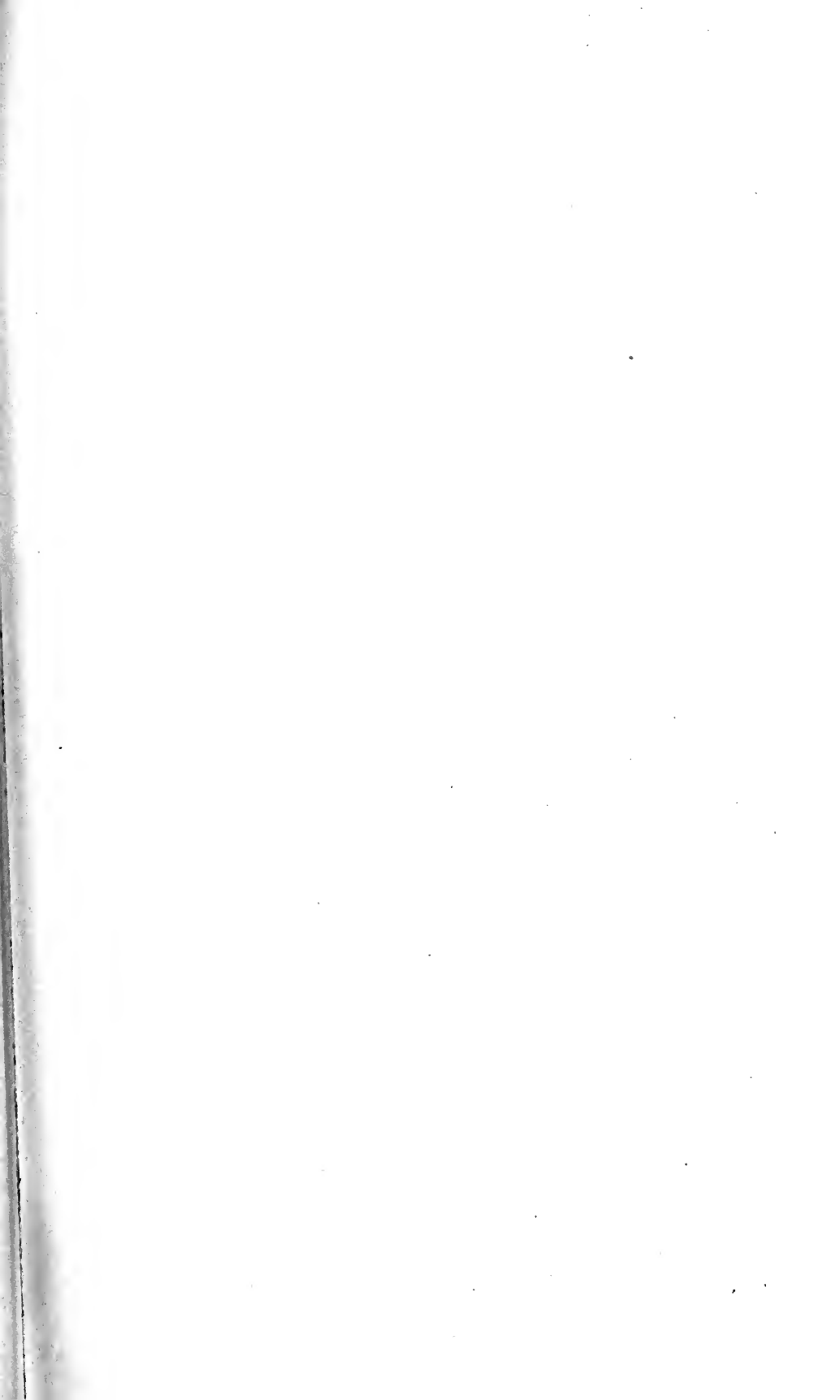
F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

THE BOARD OF EDUCATION FOR THE
TOWNSHIP OF YORK.

HARRY DURRANT,
Chairman.

CHAS. E. WEBSTER,
Secretary-Treasurer.





An Act respecting the Township of York.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. SALE

(*Private Bill*)

No. 27

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of York.

MR. SALE

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of York.

WHEREAS the Corporation of the Township of York ^{Preamble.} has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant to prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Act entitled *An Act respecting the Township of York*, being chapter 100 of the Statutes of Ontario, 1916, as amended by section 1 of an Act entitled *An Act respecting the Township of York*, being chapter 98 of the Statutes of Ontario, 1917, as amended by section 1 of *An Act respecting the Township of York*, being chapter 114 of the Statutes of Ontario, 1919, as amended by section 1 of *An Act respecting the Township of York*, being chapter 150 of the Statutes of Ontario, 1920, as amended by section 5 of *The Township of York Act, 1924*, and as amended by section 7 of *The Township of York Act, 1925*, is further amended by striking out the words “any defined sections or areas”, “any section or area” and “such section or area”, and words of similar import wherever they appear in the said Act and inserting in lieu thereof the words “the Corporation” or “the Township” as the context requires.

(2) Sections 3 and 4 of the said Act entitled *An Act respecting the Township of York*, being chapter 100 of the Statutes of Ontario, 1916, are repealed.

(3) Notwithstanding any of the provisions of the said Act as amended, the revenues and expenditures of the waterworks system including capital expenditures and any levies in payment of debentures may be charged, credited or otherwise dealt with in the manner provided in *The Public Utilities Act*.

(4) Waterworks sections A and B as defined by by-law of the Corporation of the Township of York are hereby dissolved.

York Town-
ship-Forest
Hill agree-
ment
validated.

2. The agreement made between the Corporation of the Township of York and the Corporation of the Village of Forest Hill dated the 1st day of August, 1942, set forth as schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporations and the ratepayers thereof.

York Town-
ship-York
Township
Board of
Education
agreement
validated.

3. The agreement made between the Corporation of the Township of York and the Board of Education for the Township of York dated the 10th day of April, 1944, set forth as schedule B hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and upon the ratepayers of the Township of York.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of York Act, 1946*.

SCHEDULE A

MEMORANDUM OF AGREEMENT made this First day of August, 1942.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

—and—

OF THE FIRST PART,

THE CORPORATION OF THE VILLAGE OF FOREST HILL,
hereinafter called the "Village",

OF THE SECOND PART.

WHEREAS the Village, which formerly comprised part of the Township of York, was incorporated as a municipality separate and apart from the Township as of the Fifteenth day of December, 1923;

AND WHEREAS the area which now composes the Village formed part of Waterworks Area "A" in the Township of York;

AND WHEREAS since incorporation of the said Village the Township has continued to operate the waterworks system and to serve water consumers in the Village as though it had remained in Waterworks Area "A" as part of the Township;

AND WHEREAS since its incorporation the Village has issued Debentures to provide for the cost of all new waterworks installations within the limits of the Village; and the Township has contributed 79.88 per cent. of the Corporation's or area's share of the annual payments of all watermain installations both in the Village and the remainder of waterworks Area "A";

AND WHEREAS the Village since its incorporation has paid 20.12 per cent of the annual payments on the Corporation's or Area's share of debentures issued by the Village or the Township, for all watermains within the Village and the remainder of Waterworks Area "A";

AND WHEREAS the parties hereto have agreed that the Village shall take over the operation and control of the part of the Water Works System within the limits of the Village, on, and after the first day of September, 1942, and have agreed to adjust the assets and liabilities of the said Waterworks System on, upon and subject to the terms and conditions of this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants and obligation hereinafter contained it is hereby agreed by and between the parties hereto as follows:

1. That the Village shall, except as hereinafter provided, on from and after the first day of September, 1942, take over and thereafter be absolute owner of and solely responsible for the management and operation of that part of the Waterworks System located within the limits of the Village including all 6 inch and 12 inch watermains, all valves, hydrants, chamber, appliances and appurtenance connected with said 6" and 12" mains, all water services within the public streets and all service meters installed in customers premises.

2. The Township shall from and after the First day of September, 1942, be and remain the absolute owner of all the Waterworks System situate within the limits of Waterworks Areas "A" and "B" in the Township of York, including all 6 inch, 12 inch, 16 inch and 24 inch watermains, all valves, hydrants, chambers, appliances and appurtenances connected with said 6 inch, 12 inch, 16 inch and 24 inch mains; all water services within the public streets and all service meters installed in customers premises.

3. That portion of the 24 inch trunk watermain (with valves, chambers and appurtenances connected therewith) installed in Eglinton Avenue lying between Lyon Avenue and the west limit of the meter installed at the intersection of Bathurst Street, notwithstanding that it is located within the limits of the Village, shall from and after the said date be and remain the sole property and responsibility of the Township, and the Township shall have the right at any time and from time to time through its agents and workmen to enter upon any lands or highways within the Village for the purpose of maintaining, altering and repairing at its own expense the said portion of trunk main as may be necessary, and for this purpose if necessary may cut the pavement and sidewalk and dig in and under the highway. The Township shall notify the Village of its intention before making repairs, or as soon thereafter as possible; and the Village shall upon completion of the said work by the Township restore and repair the pavement and sidewalk as soon as practicable thereafter at the expense of the Township.

4.—(a) That portion of the said 24-inch trunk watermain (including valves, chambers and appurtenances) in Eglinton Avenue lying between Duplex Avenue and the west limit of the meter installed at the intersection of Bathurst Street, shall from and after the first day of September, 1942, be owned jointly by the Township and Village, the Township having an undivided 75% interest therein, and the Village an undivided 25% interest.

(b) That portion of the said trunk main lying between Duplex Avenue and Gilgorm Avenue, which lies partly within the limits of the City of Toronto, and partly within the limits of the Village may continue to be maintained, and repaired by the City of Toronto, the cost of such maintenance and repairs to be borne 75 percent by the Township and 25 percent by the Village, subject to revision and readjustment as provided in clause (d) hereof.

(c) Subject to the provision of Clause (b) that portion of the said trunk main lying between Duplex Avenue and the West Limit of the meter installed at the intersection of Bathurst Street shall, with the co-operation of the Village, be maintained, and repaired, by the Township. The cost of the maintenance, and repair, of this portion of the trunk main is to be borne annually in the proportion of: 75 percent by the Township and 25 percent by the Village; any loss of water in this portion of the said trunk main which is due to breaks or leakage shall be considered part of the cost of maintenance and shall be borne and paid for in the same proportion.

(d) The percentage of the cost of the maintenance and repairs as provided in clause (b) and (c) of this paragraph, shall be reviewed by the Engineers of the Township and the Village, every 5 years hereafter, and shall be readjusted if necessary on the basis of the amount of water used through said trunk main by the Township and the Village respectively.

(e) The words "maintained and repaired" and the words "maintenance and repairs" where used in this paragraph 4, are not to be deemed to mean or include "enlarged" or "enlargement".

5. It is agreed that the owners of lands fronting on the east side of Lyon Avenue within the Village and the owners of lands fronting on the east side of Bathurst Street between the south Village limit and a point 600 feet north of the north street line of Lonsmount Drive within the Village, having paid their share of the cost of the 12 inch watermain constructed in front of the said lands, shall be entitled to be served by the Township with water from the existing main but any necessary connection to the said watermain shall be made at the expense of any such owner.

Each consumer service located on any of the said lands shall be metered. The said meters shall be read by the Village, and the total sum of the metered consumption of all such services as computed by the Village shall be paid by the Village to the Township at regular billing intervals, at the base rate for water paid by the Township to the City of Toronto. In the event of the Village constructing a watermain in front of any of the said lands the right of any such owner fronting thereon to receive water from the Township main shall thereupon cease.

6. The Township shall at the expense of the Village close and seal all existing valves and instal, close and seal such additional valves (as are so shown to be installed on the separation plan prepared by the Village, a copy of which is hereto attached) on the boundaries or crossing the boundaries between the Township and the Village; any internal changes of the waterworks system required within the Village boundaries shall, except as hereinafter provided, be made by the Village at its own expense.

7. The Village shall forthwith proceed to instal,

- (a) A Venturi Meter together with meter chamber, recording house and all appliances and appurtenances at Bathurst Street and Eglinton Avenue, which meter shall have a maximum capacity of ten million imperial gallons per day.
- (b) A compound meter together with meter chamber and all appliances and appurtenances at Bathurst Street and Lonsdale Road which meter shall be at least equal in capacity to the one at present installed at Kilbarry Road.
- (c) Rearrange the present meter piping and meter chamber at Kilbarry Road so that the meter will be installed on an 8-inch bye-pass and a 12-inch valve will be placed in the 12-inch main opposite the bye-pass.

Notwithstanding the provisions contained in any agreement between the City of Toronto and the Township, and/or between the said City and Village, the cost of the meter and other installations referred to in clause 7(a) and the cost of installing the same, shall be wholly borne and paid for by the Village. The cost of the meter and other installations referred to in clause 7(b) and the cost of installing the same, and the cost of rearranging the meter referred to in clause 7(c) shall be paid in the proportion of $33\frac{1}{3}\%$ by the Township and $66\frac{2}{3}\%$ by the Village. The three meters and other appliances and appurtenances referred to above, and the Venturi meter and its appliances and appurtenances at Eglinton Avenue and Gilgorm Road, shall be owned jointly by the Township and the Village, the Township having an undivided 75 percent interest therein and the Village an undivided 25 percent interest. The maintenance, repair, renewal or enlargement of the meter, meter chamber and piping at Eglinton and Gilgorm Avenue, and the renewal or enlargement of the other three meters and piping shall when considered necessary by either party, or by the City of Toronto, be done by the Township with the co-operation of the Village, and the cost of the same, and of the heating and rental of the recorder houses, and the supply of charts for the Venturi meters shall be borne and paid for by the Township and Village in the proportion of 75% by the Township and 25% by the Village. The said percentage of the cost to be borne by the Township and Village respectively shall be reviewed by the Engineers of the Township and the Village, every five (5) years hereafter, and readjusted if necessary on the basis of the amount of water used by each party through any such meter.

Nothing in this paragraph contained shall be deemed to authorize or provide herein for the enlargement of any meter beyond the present capacity of the main supplying any such meter.

8. If the Works Commissioner of the Township or of the Village questions the accuracy of any of the four meters above-mentioned and requests that a test be made, a test shall be carried out by a suitable third party within one month from the making of the request. Upon receipt of the report any necessary repairs, adjustments or renewals shall be made.

If due to inaccuracy in the meters at Bathurst and Eglinton and at Bathurst and Lonsdale or either of them, the Township shall have overpaid or underpaid its share of any water bill to the City of Toronto, the Village shall make the proper adjustment with the Township. Any discrepancy due to inaccuracy in either of the other two meters will be a matter of adjustment between the Village and the City of Toronto.

9. In the event of an emergency, a sealed valve in a watermain at

the boundary between the two Municipalities may be opened by the Commissioner of Works of one Municipality upon notice to the Commissioner of Works of the other. The amount of water drawn by such Municipality through such valve during such emergency shall be estimated as accurately as possible and paid for at the base rate payable to the City of Toronto. Any dispute with regard thereto shall be settled in the manner hereinafter provided for the settlement of disputes.

10. The Village has constructed a 12 inch watermain from the existing watermain in Lonsdale Road near the west boundary of Plan M-408 to the existing watermain in Lonsmount Drive. The Township has constructed a 6-inch watermain to connect the existing watermain on Heath Street with existing watermain on Tichester Road. It is agreed that the cost of these two extensions shall be totalled and the total amount thereof shall be ultimately borne and paid for by the two Municipalities in the proportion of 80 per cent by the Township and 20 per cent by the Village; settlement on this basis is to be made in cash on or before the first day of October, 1942. The Municipality in which the said mains are respectively situate shall own and maintain the same.

11. The Village has extended the existing 12-inch main on Elm Ridge Drive (Roselawn Avenue) westerly from Marwood Road (Nokomis Street) to the Village limits connecting with the Township main at this point where a valve has been placed and sealed.

As required by Village development but in any event within three years from the date of this agreement the Village shall undertake as a Local Improvement the extension of the 12-inch main on Elm Ridge Drive (Roselawn Avenue) easterly from Marwood Road (Nokomis Street) to Bathurst Street.

The Township hereby agrees to pay to the Village 80 per cent of 55 per cent of the cost of the main (less cross-connections and hydrants) in respect of (a) the 12-inch main which has been installed in Elm Ridge Drive (Roselawn Avenue) from Marwood Road (Nokomis Street) westerly to the West Village limits and (b) the 12-inch main later to be installed in Elm Ridge Drive from Marwood Road (Nokomis Street) easterly to connection with the existing 12-inch main in Bathurst Street. The Village shall own and maintain these 12-inch mains on Elm Ridge Drive (Roselawn Avenue).

The construction of the watermain in Elm Ridge Drive, referred to in clause (b), shall if possible be carried out under the Local Improvement Act, failing which the same shall with the approval of the Township be constructed at a general expense, in which event 80 per cent of the cost of the said main (less cross-connection and hydrants) shall be borne by the Township and the remainder of the cost shall be borne by the Village. The Township shall pay its share of the cost either in cash within six months of completion of the work, or by instalments over the terms of the debentures.

The construction and installation referred to in clause (b) hereof shall be subject to the obtaining of all necessary legal authority.

12. The Village shall not close (other than temporarily for the purpose of carrying out repairs) any valves on the internal network of 6 inch or 12 inch watermain within the Village of Forest Hill so as to stop or impede the flow of water westerly across the said Village to the outlets on the boundary between the said Village and the Township. The Township shall have the right in perpetuity to the use of Village watermain.

13. The Village covenants and agrees that it will, from and after the first day of January, 1942, assume and pay the instalments of principal and interest which may fall due in the year 1942 and in each and every year thereafter on debentures heretofore and hereafter issued by the Village to cover the cost of any watermain, appurtenances and appliances purchased or installed by the Village since its incorporation and will likewise, except as herein provided, pay the cost of any such watermain, appurtenances and appliances which are now or which may hereafter be

installed or purchased and in respect to which no debentures have been issued.

14. The Township covenants and agrees that it will, from and after the first day of January, 1942, assume and pay the instalments of principal and interest which may fall due in the year 1942 and in each and every year thereafter on debentures heretofore and hereafter issued by the Township to cover the cost of any watermains, appurtenances and appliances purchased or installed by the Township as part of the Waterworks System in Waterworks Area A and will likewise except as herewith provided pay the cost of any such watermains, appurtenances and appliances which may now or hereafter be installed or purchased by the Township in that portion of Waterworks Area A within the limits of the said Township and in respect to which no debentures have been issued.

15. The Township hereby covenants and agrees with the Village that in addition to its obligations under the provisions of paragraphs 7, 10 and 11 hereof, that it, the said Township, will pay to the Village the sum of \$26,914.67 made up as follows:

As settlement in full of all claims by the Village against the Township in respect of the assets of the said waterworks system and its operation by the Township, including any surpluses up to the 31st day of December, 1941.....	\$ 25,000.00
All claims against the Township in respect of the said waterworks system and its operation including surpluses for the period from January 1st, 1942, to August 31st, 1942.....	4,208 00
	<hr/> \$29,208.00
Less: Hydrant rental payable by the Village to the Township on 344 hydrants at \$10.00 per hydrant per annum for eight months from January 1st to August 31st, 1942.....	2,293.33
	<hr/>
Net balance payable by Township to Village.....	\$26,914.67

Payment of the said amount may be satisfied in whole or in part by delivery by the Township to the Village of accounts due for water consumption within the Village. Any balance over and above the total of such accounts shall be paid by the Township to the Village as provided in paragraph 23 hereof.

16. The Village hereby grants, quit claims and releases to the Township all its right, title and interest in and to any and all of the assets and undertaking of the said waterworks system (except as herein expressly conveyed to the Village) including but not so as to limit the generality of the foregoing, all trucks, office equipment, waterworks stores, cash surpluses and reserves, watermains, meters, appliances and appurtenances; and the Village doth hereby release the Township of and from any and all claims of every nature and kind whatsoever relating to or arising out of the said waterworks system and its assets.

17. It is understood and agreed that the Village has entered into an agreement with the Corporation of the City of Toronto under which the Village agrees to purchase its water supply direct from the said City on and after September 1st, 1942. The said agreement provides that the quantity of water purchased from the City by the Township and the Village, respectively, shall be determined as follows:

- (1) The Township shall be charged by the City for all water passing through the meters at—
 - (a) Eglinton Avenue and Bathurst Street;
 - (b) Lonsdale Road and Bathurst Street.
- (2) The Village shall be charged by the City for all water passing through the meters at—

(a) Eglinton Avenue and Gilgorm Road;

(b) Kilbarry Road,

but only after deducting therefrom the quantity of water charged by the City to the Township as provided in clause 1 hereof.

18. It is agreed that the provisions of this agreement, and of the agreement entered into between the Village and the City, shall not effect or prejudice the rights of the Township under the agreement made between the City and the Township, dated the 18th day of July, 1916, and the agreement dated the 20th day of June, 1938, or under any Act of the Legislature, except as herein expressly provided.

19. The Township will, forthwith after the first day of September 1942, deliver to the Village all original plans in its possession which relate solely to that portion of the waterworks system within the limits of the Village, except the plans relating to the Eglinton Avenue trunk main; The Township will, at the same time, deliver to the Village all meter books, consumer ledger records, water service installation sheets, and other documents which relate solely to that part of the system within the Village.

The Township agrees that forthwith after the first day of September, 1942, it will pay over to the Village all security deposits then held by the Township in respect of water consumer premises situate within the limit of the Village of Forest Hill, and the Village hereby covenants to indemnify and save harmless the Township of, and from all claims, actions, suits and demands for or in respect and in any way arising out of all, such consumer deposits so paid over.

20. It is hereby agreed as between the Village and the Township that after the first day of September, 1942, each Municipality will notify the other thirty days in advance of making any decision to change the rates at which they sell water to their domestic, institutional or industrial consumers.

21. Any dispute which may arise between the parties hereto as to any matters relating to or arising out of this agreement shall be settled by the engineers of the respective Municipalities.

In the event however, of the failure of the said engineers to settle any such dispute the same shall be referred to The Ontario Municipal Board as arbitrators, and the said Board may hear and determine the dispute so referred to it and the decision of the Board shall be final and conclusive and binding on the parties hereto and shall not be subject to appeal.

22. This agreement is subject to the terms of an agreement entered into between the Township and the Corporation of the City of Toronto dated the 6th day of July, 1942, respecting the supply of water to the Township.

23. Except where otherwise provided 50 per cent of all payments to be made under the terms of this agreement shall be made on or before the first day of October, 1942, the balance on or before the first day of December, 1942.

This agreement shall enure to the benefit of and be binding on the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the Corporate Seal of the Township has been hereunder affixed under the hands of its Reeve and Clerk, and the Cor-

porate Seal of the Village has been hereunto affixed under the hands of its Reeve and Clerk.

CORPORATION OF THE TOWNSHIP OF YORK.

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

CORPORATION OF THE VILLAGE OF FOREST HILL.

F. GARDNER,
Reeve.

L. W. ARCHER,
Clerk.

SCHEDULE B

MEMORANDUM OF AGREEMENT made this Tenth day of April, 1944.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE FIRST PART,

—and—

THE BOARD OF EDUCATION FOR THE TOWNSHIP OF YORK,
hereinafter called the "Board",

OF THE SECOND PART.

WHEREAS under the provisions of By-law Number 11197 passed by the Council of the Township on the 30th day of June, 1932, pursuant to the provisions of Section 5 of *The Township of York Act, 1932*, being Chapter 96, Revised Statutes of Ontario, 1932, the whole of the Township of York was set apart as a Public School Area, and the Public School Sections included in the Township ceased to exist on the 25th day of December, 1932, and from and after the year 1933 the real and personal property of each of the said school sections became vested in The York Township Public School Board;

AND WHEREAS under the provisions of Section 4 of *The Township of York Act, 1933*, being Chapter 112 of the Statutes of Ontario, 1933, it is provided that the amount of unexpended balances to the credit of each of the rural public school sections of the said Township as of December 25th, 1932, shall be credited to the lands assessable for public school purposes in the several public school sections as they existed prior to the formation of the Township Public School Area in the levy to be made by Council in each of the years 1933, 1934 and 1935 by crediting the amount thereof in the levy to be made in such years for public school purposes, provided, however, that such credits were to be made as and when the outstanding arrears of taxes included in such unexpended balances shall have been paid;

AND WHEREAS in and by said Section 4 of said Act it was further provided that the instalments of principal and interest not due but levied for as at December 31st, 1932, in respect of debentures issued for public school purposes in the several public school sections should likewise be credited to the lands assessable for public school purposes as they existed prior to the formation of the public school area, which said credit was to be given in a levy made in the year 1933;

AND WHEREAS certain credits were given to the lands assessed for public school purposes in the said public school sections in accordance with the provisions of the said Statutes, but a substantial sum was not so credited by reason of the substantial amount of outstanding arrears of taxes included in such unexpended balances;

AND WHEREAS the outstanding arrears of taxes have been largely paid or provided for and it is agreed between the parties hereto that the amount of unexpended balances and of the instalments of principal and interest not due but levied for as at December 31st, 1932, which have not been paid over to the said public school sections or their successors in law, now amounts to the total sum of \$241,170.59;

AND WHEREAS the Board is the successor in law to the York Township Public School Board and the said Board and the Township have agreed for payment by the Township to the Board of the said sum of \$241,170.59 at the times and in the manner hereinafter provided;

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants hereinafter contained it is hereby agreed by and between the Parties hereto as follows:

1. That the total amount owing by the Township to the Board in respect of the said unexpended balances and for instalments of principal and interest on debentures issued for public school purposes not due but levied for as at December 31st, 1932, referred to in Clauses 2 and 3 of Section 4 of *The Township of York Act, 1933*, to which the Board is entitled as at the present date, is the total sum of \$241,170.59

2. That the said sum of \$241,170.59 shall be paid by the Township to the Board in annual instalments of \$15,000.00 in each and every year without interest until the whole amount shall have been fully paid, the first of such annual instalments of \$15,000.00 to be paid to the Board in the year 1945.

IN WITNESS WHEREOF this agreement has been executed the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of

(Seal)

(Seal)

THE CORPORATION OF THE TOWNSHIP
OF YORK.

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

THE BOARD OF EDUCATION FOR THE
TOWNSHIP OF YORK.

HARRY DURRANT,
Chairman.

CHAS. E. WEBSTER,
Secretary-Treasurer.

An Act respecting the Township of York.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. SALE

(Reprinted as amended by the Committee on
Private Bills.)

No. 27

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of York.

MR. SALE

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Township of York.

WHEREAS the Corporation of the Township of York Preamble. has by its petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant to prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Act entitled *An Act respecting the Township of York*, being chapter 100 of the Statutes of Ontario, 1916, as amended by section 1 of an Act entitled *An Act respecting the Township of York*, being chapter 98 of the Statutes of Ontario, 1917, as amended by section 1 of *An Act respecting the Township of York*, being chapter 114 of the Statutes of Ontario, 1919, as amended by section 1 of *An Act respecting the Township of York*, being chapter 150 of the Statutes of Ontario, 1920, as amended by section 5 of *The Township of York Act, 1924*, and as amended by section 7 of *The Township of York Act, 1925*, is further amended by striking out the words "any defined sections or areas", "any section or area" and "such section or area", and words of similar import wherever they appear in the said Act and inserting in lieu thereof the words "the Corporation" or "the Township" as the context requires.

(2) Sections 3 and 4 of the said Act entitled *An Act respecting the Township of York*, being chapter 100 of the Statutes of Ontario, 1916, are repealed.

(3) Notwithstanding any of the provisions of the said Act as amended, the revenues and expenditures of the waterworks system including capital expenditures and any levies in payment of debentures may be charged, credited or otherwise dealt with in the manner provided in *The Public Utilities Act*.

(4) Waterworks sections A and B as defined by by-law of the Corporation of the Township of York are hereby dissolved.

York Town-
ship-Forest
Hill agree-
ment
validated.

2. The agreement made between the Corporation of the Township of York and the Corporation of the Village of Forest Hill dated the 1st day of August, 1942, set forth as schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporations and the ratepayers thereof.

York Town-
ship-York
Township
Board of
Education
agreement
validated.

3. The agreement made between the Corporation of the Township of York and the Board of Education for the Township of York dated the 10th day of April, 1944, set forth as schedule B hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto and upon the ratepayers of the Township of York.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of York Act, 1946*.

SCHEDULE A

MEMORANDUM OF AGREEMENT made this First day of August, 1942.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE FIRST PART,

—and—

THE CORPORATION OF THE VILLAGE OF FOREST HILL,
hereinafter called the "Village",

OF THE SECOND PART.

WHEREAS the Village, which formerly comprised part of the Township of York, was incorporated as a municipality separate and apart from the Township as of the Fifteenth day of December, 1923;

AND WHEREAS the area which now composes the Village formed part of Waterworks Area "A" in the Township of York;

AND WHEREAS since incorporation of the said Village the Township has continued to operate the waterworks system and to serve water consumers in the Village as though it had remained in Waterworks Area "A" as part of the Township;

AND WHEREAS since its incorporation the Village has issued Debentures to provide for the cost of all new waterworks installations within the limits of the Village; and the Township has contributed 79.88 per cent. of the Corporation's or area's share of the annual payments of all watermain installations both in the Village and the remainder of waterworks Area "A";

AND WHEREAS the Village since its incorporation has paid 20.12 per cent of the annual payments on the Corporation's or Area's share of debentures issued by the Village or the Township, for all watermains within the Village and the remainder of Waterworks Area "A";

AND WHEREAS the parties hereto have agreed that the Village shall take over the operation and control of the part of the Water Works System within the limits of the Village, on, and after the first day of September, 1942, and have agreed to adjust the assets and liabilities of the said Waterworks System on, upon and subject to the terms and conditions of this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and of the covenants and obligation hereinafter contained it is hereby agreed by and between the parties hereto as follows:

1. That the Village shall, except as hereinafter provided, on from and after the first day of September, 1942, take over and thereafter be absolute owner of and solely responsible for the management and operation of that part of the Waterworks System located within the limits of the Village including all 6 inch and 12 inch watermains, all valves, hydrants, chamber, appliances and appurtenance connected with said 6" and 12" mains, all water services within the public streets and all service meters installed in customers premises.

2. The Township shall from and after the First day of September, 1942, be and remain the absolute owner of all the Waterworks System situate within the limits of Waterworks Areas "A" and "B" in the Township of York, including all 6 inch, 12 inch, 16 inch and 24 inch watermains, all valves, hydrants, chambers, appliances and appurtenances connected with said 6 inch, 12 inch, 16 inch and 24 inch mains; all water services within the public streets and all service meters installed in customers premises.

3. That portion of the 24 inch trunk watermain (with valves, chambers and appurtenances connected therewith) installed in Eglinton Avenue lying between Lyon Avenue and the west limit of the meter installed at the intersection of Bathurst Street, notwithstanding that it is located within the limits of the Village, shall from and after the said date be and remain the sole property and responsibility of the Township, and the Township shall have the right at any time and from time to time through its agents and workmen to enter upon any lands or highways within the Village for the purpose of maintaining, altering and repairing at its own expense the said portion of trunk main as may be necessary, and for this purpose if necessary may cut the pavement and sidewalk and dig in and under the highway. The Township shall notify the Village of its intention before making repairs, or as soon thereafter as possible; and the Village shall upon completion of the said work by the Township restore and repair the pavement and sidewalk as soon as practicable thereafter at the expense of the Township.

4.—(a) That portion of the said 24-inch trunk watermain (including valves, chambers and appurtenances) in Eglinton Avenue lying between Duplex Avenue and the west limit of the meter installed at the intersection of Bathurst Street, shall from and after the first day of September, 1942, be owned jointly by the Township and Village, the Township having an undivided 75% interest therein, and the Village an undivided 25% interest.

(b) That portion of the said trunk main lying between Duplex Avenue and Gilgorm Avenue, which lies partly within the limits of the City of Toronto, and partly within the limits of the Village may continue to be maintained, and repaired by the City of Toronto, the cost of such maintenance and repairs to be borne 75 percent by the Township and 25 percent by the Village, subject to revision and readjustment as provided in clause (d) hereof.

(c) Subject to the provision of Clause (b) that portion of the said trunk main lying between Duplex Avenue and the West Limit of the meter installed at the intersection of Bathurst Street shall, with the co-operation of the Village, be maintained, and repaired, by the Township. The cost of the maintenance, and repair, of this portion of the trunk main is to be borne annually in the proportion of: 75 percent by the Township and 25 percent by the Village; any loss of water in this portion of the said trunk main which is due to breaks or leakage shall be considered part of the cost of maintenance and shall be borne and paid for in the same proportion.

(d) The percentage of the cost of the maintenance and repairs as provided in clause (b) and (c) of this paragraph, shall be reviewed by the Engineers of the Township and the Village, every 5 years hereafter, and shall be readjusted if necessary on the basis of the amount of water used through said trunk main by the Township and the Village respectively.

(e) The words "maintained and repaired" and the words "maintenance and repairs" where used in this paragraph 4, are not to be deemed to mean or include "enlarged" or "enlargement".

5. It is agreed that the owners of lands fronting on the east side of Lyon Avenue within the Village and the owners of lands fronting on the east side of Bathurst Street between the south Village limit and a point 600 feet north of the north street line of Lonsmount Drive within the Village, having paid their share of the cost of the 12 inch watermain constructed in front of the said lands, shall be entitled to be served by the Township with water from the existing main but any necessary connection to the said watermain shall be made at the expense of any such owner.

Each consumer service located on any of the said lands shall be metered. The said meters shall be read by the Village, and the total sum of the metered consumption of all such services as computed by the Village shall be paid by the Village to the Township at regular billing intervals, at the base rate for water paid by the Township to the City of Toronto. In the event of the Village constructing a watermain in front of any of the said lands the right of any such owner fronting thereon to receive water from the Township main shall thereupon cease.

6. The Township shall at the expense of the Village close and seal all existing valves and instal, close and seal such additional valves (as are so shown to be installed on the separation plan prepared by the Village, a copy of which is hereto attached) on the boundaries or crossing the boundaries between the Township and the Village; any internal changes of the waterworks system required within the Village boundaries shall, except as hereinafter provided, be made by the Village at its own expense.

7. The Village shall forthwith proceed to instal,

- (a) A Venturi Meter together with meter chamber, recording house and all appliances and appurtenances at Bathurst Street and Eglinton Avenue, which meter shall have a maximum capacity of ten million imperial gallons per day.
- (b) A compound meter together with meter chamber and all appliances and appurtenances at Bathurst Street and Lonsdale Road which meter shall be at least equal in capacity to the one at present installed at Kilbarry Road.
- (c) Rearrange the present meter piping and meter chamber at Kilbarry Road so that the meter will be installed on an 8-inch by-pass and a 12-inch valve will be placed in the 12-inch main opposite the by-pass.

Notwithstanding the provisions contained in any agreement between the City of Toronto and the Township, and/or between the said City and Village, the cost of the meter and other installations referred to in clause 7(a) and the cost of installing the same, shall be wholly borne and paid for by the Village. The cost of the meter and other installations referred to in clause 7(b) and the cost of installing the same, and the cost of rearranging the meter referred to in clause 7(c) shall be paid in the proportion of 33 $\frac{1}{3}$ % by the Township and 66 $\frac{2}{3}$ % by the Village. The three meters and other appliances and appurtenances referred to above, and the Venturi meter and its appliances and appurtenances at Eglinton Avenue and Gilgorm Road, shall be owned jointly by the Township and the Village, the Township having an undivided 75 percent interest therein and the Village an undivided 25 percent interest. The maintenance, repair, renewal or enlargement of the meter, meter chamber and piping at Eglinton and Gilgorm Avenue, and the renewal or enlargement of the other three meters and piping shall when considered necessary by either party, or by the City of Toronto, be done by the Township with the co-operation of the Village, and the cost of the same, and of the heating and rental of the recorder houses, and the supply of charts for the Venturi meters shall be borne and paid for by the Township and Village in the proportion of 75% by the Township and 25% by the Village. The said percentage of the cost to be borne by the Township and Village respectively shall be reviewed by the Engineers of the Township and the Village, every five (5) years hereafter, and readjusted if necessary on the basis of the amount of water used by each party through any such meter.

Nothing in this paragraph contained shall be deemed to authorize or provide herein for the enlargement of any meter beyond the present capacity of the main supplying any such meter.

8. If the Works Commissioner of the Township or of the Village questions the accuracy of any of the four meters above-mentioned and requests that a test be made, a test shall be carried out by a suitable third party within one month from the making of the request. Upon receipt of the report any necessary repairs, adjustments or renewals shall be made.

If due to inaccuracy in the meters at Bathurst and Eglinton and at Bathurst and Lonsdale or either of them, the Township shall have overpaid or underpaid its share of any water bill to the City of Toronto, the Village shall make the proper adjustment with the Township. Any discrepancy due to inaccuracy in either of the other two meters will be a matter of adjustment between the Village and the City of Toronto.

9. In the event of an emergency, a sealed valve in a watermain at

the boundary between the two Municipalities may be opened by the Commissioner of Works of one Municipality upon notice to the Commissioner of Works of the other. The amount of water drawn by such Municipality through such valve during such emergency shall be estimated as accurately as possible and paid for at the base rate payable to the City of Toronto. Any dispute with regard thereto shall be settled in the manner hereinafter provided for the settlement of disputes.

10. The Village has constructed a 12 inch watermain from the existing watermain in Lonsdale Road near the west boundary of Plan M-408 to the existing watermain in Lonsmount Drive. The Township has constructed a 6-inch watermain to connect the existing watermain on Heath Street with existing watermain on Tichester Road. It is agreed that the cost of these two extensions shall be totalled and the total amount thereof shall be ultimately borne and paid for by the two Municipalities in the proportion of 80 per cent by the Township and 20 per cent by the Village; settlement on this basis is to be made in cash on or before the first day of October, 1942. The Municipality in which the said mains are respectively situate shall own and maintain the same.

11. The Village has extended the existing 12-inch main on Elm Ridge Drive (Roselawn Avenue) westerly from Marwood Road (Nokomis Street) to the Village limits connecting with the Township main at this point where a valve has been placed and sealed.

As required by Village development but in any event within three years from the date of this agreement the Village shall undertake as a Local Improvement the extension of the 12-inch main on Elm Ridge Drive (Roselawn Avenue) easterly from Marwood Road (Nokomis Street) to Bathurst Street.

The Township hereby agrees to pay to the Village 80 per cent of 55 per cent of the cost of the main (less cross-connections and hydrants) in respect of (a) the 12-inch main which has been installed in Elm Ridge Drive (Roselawn Avenue) from Marwood Road (Nokomis Street) westerly to the West Village limits and (b) the 12-inch main later to be installed in Elm Ridge Drive from Marwood Road (Nokomis Street) easterly to connection with the existing 12-inch main in Bathurst Street. The Village shall own and maintain these 12-inch mains on Elm Ridge Drive (Roselawn Avenue).

The construction of the watermain in Elm Ridge Drive, referred to in clause (b), shall if possible be carried out under the Local Improvement Act, failing which the same shall with the approval of the Township be constructed at a general expense, in which event 80 per cent of the cost of the said main (less cross-connection and hydrants) shall be borne by the Township and the remainder of the cost shall be borne by the Village. The Township shall pay its share of the cost either in cash within six months of completion of the work, or by instalments over the terms of the debentures.

The construction and installation referred to in clause (b) hereof shall be subject to the obtaining of all necessary legal authority.

12. The Village shall not close (other than temporarily for the purpose of carrying out repairs) any valves on the internal network of 6 inch or 12 inch watermains within the Village of Forest Hill so as to stop or impede the flow of water westerly across the said Village to the outlets on the boundary between the said Village and the Township. The Township shall have the right in perpetuity to the use of Village watermains.

13. The Village covenants and agrees that it will, from and after the first day of January, 1942, assume and pay the instalments of principal and interest which may fall due in the year 1942 and in each and every year thereafter on debentures heretofore and hereafter issued by the Village to cover the cost of any watermains, appurtenances and appliances purchased or installed by the Village since its incorporation and will likewise, except as herein provided, pay the cost of any such watermains, appurtenances and appliances which are now or which may hereafter be

installed or purchased and in respect to which no debentures have been issued.

14. The Township covenants and agrees that it will, from and after the first day of January, 1942, assume and pay the instalments of principal and interest which may fall due in the year 1942 and in each and every year thereafter on debentures heretofore and hereafter issued by the Township to cover the cost of any watermains, appurtenances and appliances purchased or installed by the Township as part of the Waterworks System in Waterworks Area A and will likewise except as herewith provided pay the cost of any such watermains, appurtenances and appliances which may now or hereafter be installed or purchased by the Township in that portion of Waterworks Area A within the limits of the said Township and in respect to which no debentures have been issued.

15. The Township hereby covenants and agrees with the Village that in addition to its obligations under the provisions of paragraphs 7, 10 and 11 hereof, that it, the said Township, will pay to the Village the sum of \$26,914.67 made up as follows:

As settlement in full of all claims by the Village against the Township in respect of the assets of the said waterworks system and its operation by the Township, including any surpluses up to the 31st day of December, 1941.....	\$ 25,000.00
All claims against the Township in respect of the said waterworks system and its operation including surpluses for the period from January 1st, 1942, to August 31st, 1942.....	4,208 00
	<hr/> \$29,208.00
Less: Hydrant rental payable by the Village to the Township on 344 hydrants at \$10.00 per hydrant per annum for eight months from January 1st to August 31st, 1942.....	2,293.33
	<hr/>
Net balance payable by Township to Village.....	\$26,914.67

Payment of the said amount may be satisfied in whole or in part by delivery by the Township to the Village of accounts due for water consumption within the Village. Any balance over and above the total of such accounts shall be paid by the Township to the Village as provided in paragraph 23 hereof.

16. The Village hereby grants, quit claims and releases to the Township all its right, title and interest in and to any and all of the assets and undertaking of the said waterworks system (except as herein expressly conveyed to the Village) including but not so as to limit the generality of the foregoing, all trucks, office equipment, waterworks stores, cash surpluses and reserves, watermains, meters, appliances and appurtenances; and the Village doth hereby release the Township of and from any and all claims of every nature and kind whatsoever relating to or arising out of the said waterworks system and its assets.

17. It is understood and agreed that the Village has entered into an agreement with the Corporation of the City of Toronto under which the Village agrees to purchase its water supply direct from the said City on and after September 1st, 1942. The said agreement provides that the quantity of water purchased from the City by the Township and the Village, respectively, shall be determined as follows:

(1) The Township shall be charged by the City for all water passing through the meters at—

(a) Eglinton Avenue and Bathurst Street;

(b) Lonsdale Road and Bathurst Street.

(2) The Village shall be charged by the City for all water passing through the meters at—

(a) Eglinton Avenue and Gilgorm Road;

(b) Kilbarry Road,

but only after deducting therefrom the quantity of water charged by the City to the Township as provided in clause 1 hereof.

18. It is agreed that the provisions of this agreement, and of the agreement entered into between the Village and the City, shall not effect or prejudice the rights of the Township under the agreement made between the City and the Township, dated the 18th day of July, 1916, and the agreement dated the 20th day of June, 1938, or under any Act of the Legislature, except as herein expressly provided.

19. The Township will, forthwith after the first day of September 1942, deliver to the Village all original plans in its possession which relate solely to that portion of the waterworks system within the limits of the Village, except the plans relating to the Eglinton Avenue trunk main; The Township will, at the same time, deliver to the Village all meter books, consumer ledger records, water service installation sheets, and other documents which relate solely to that part of the system within the Village.

The Township agrees that forthwith after the first day of September, 1942, it will pay over to the Village all security deposits then held by the Township in respect of water consumer premises situate within the limit of the Village of Forest Hill, and the Village hereby covenants to indemnify and save harmless the Township of, and from all claims, actions, suits and demands for or in respect and in any way arising out of all, such consumer deposits so paid over.

20. It is hereby agreed as between the Village and the Township that after the first day of September, 1942, each Municipality will notify the other thirty days in advance of making any decision to change the rates at which they sell water to their domestic, institutional or industrial consumers.

21. Any dispute which may arise between the parties hereto as to any matters relating to or arising out of this agreement shall be settled by the engineers of the respective Municipalities.

In the event however, of the failure of the said engineers to settle any such dispute the same shall be referred to The Ontario Municipal Board as arbitrators, and the said Board may hear and determine the dispute so referred to it and the decision of the Board shall be final and conclusive and binding on the parties hereto and shall not be subject to appeal.

22. This agreement is subject to the terms of an agreement entered into between the Township and the Corporation of the City of Toronto dated the 6th day of July, 1942, respecting the supply of water to the Township.

23. Except where otherwise provided 50 per cent of all payments to be made under the terms of this agreement shall be made on or before the first day of October, 1942, the balance on or before the first day of December, 1942.

This agreement shall enure to the benefit of and be binding on the parties hereto and their respective successors and assigns.

IN WITNESS WHEREOF the Corporate Seal of the Township has been hereunder affixed under the hands of its Reeve and Clerk, and the Cor-

porate Seal of the Village has been hereunto affixed under the hands of its Reeve and Clerk.

CORPORATION OF THE TOWNSHIP OF YORK.

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

CORPORATION OF THE VILLAGE OF FOREST HILL.

F. GARDNER,
Reeve.

L. W. ARCHER,
Clerk.

SCHEDULE B

MEMORANDUM OF AGREEMENT made this Tenth day of April, 1944.

BETWEEN:

THE CORPORATION OF THE TOWNSHIP OF YORK, herein-
after called the "Township",

OF THE FIRST PART,

—and—

THE BOARD OF EDUCATION FOR THE TOWNSHIP OF YORK,
hereinafter called the "Board",

OF THE SECOND PART.

WHEREAS under the provisions of By-law Number 11197 passed by the Council of the Township on the 30th day of June, 1932, pursuant to the provisions of Section 5 of *The Township of York Act, 1932*, being Chapter 96, Revised Statutes of Ontario, 1932, the whole of the Township of York was set apart as a Public School Area, and the Public School Sections included in the Township ceased to exist on the 25th day of December, 1932, and from and after the year 1933 the real and personal property of each of the said school sections became vested in The York Township Public School Board;

AND WHEREAS under the provisions of Section 4 of *The Township of York Act, 1933*, being Chapter 112 of the Statutes of Ontario, 1933, it is provided that the amount of unexpended balances to the credit of each of the rural public school sections of the said Township as of December 25th, 1932, shall be credited to the lands assessable for public school purposes in the several public school sections as they existed prior to the formation of the Township Public School Area in the levy to be made by Council in each of the years 1933, 1934 and 1935 by crediting the amount thereof in the levy to be made in such years for public school purposes, provided, however, that such credits were to be made as and when the outstanding arrears of taxes included in such unexpended balances shall have been paid;

AND WHEREAS in and by said Section 4 of said Act it was further provided that the instalments of principal and interest not due but levied for as at December 31st, 1932, in respect of debentures issued for public school purposes in the several public school sections should likewise be credited to the lands assessable for public school purposes as they existed prior to the formation of the public school area, which said credit was to be given in a levy made in the year 1933;

AND WHEREAS certain credits were given to the lands assessed for public school purposes in the said public school sections in accordance with the provisions of the said Statutes, but a substantial sum was not so credited by reason of the substantial amount of outstanding arrears of taxes included in such unexpended balances;

AND WHEREAS the outstanding arrears of taxes have been largely paid or provided for and it is agreed between the parties hereto that the amount of unexpended balances and of the instalments of principal and interest not due but levied for as at December 31st, 1932, which have not been paid over to the said public school sections or their successors in law, now amounts to the total sum of \$241,170.59;

AND WHEREAS the Board is the successor in law to the York Township Public School Board and the said Board and the Township have agreed for payment by the Township to the Board of the said sum of \$241,170.59 at the times and in the manner hereinafter provided:

NOW THIS INDENTURE WITNESSETH that in consideration of the premises and of the covenants hereinafter contained it is hereby agreed by and between the Parties hereto as follows:

1. That the total amount owing by the Township to the Board in respect of the said unexpended balances and for instalments of principal and interest on debentures issued for public school purposes not due but levied for as at December 31st, 1932, referred to in Clauses 2 and 3 of Section 4 of *The Township of York Act, 1933*, to which the Board is entitled as at the present date, is the total sum of \$241,170.59

2. That the said sum of \$241,170.59 shall be paid by the Township to the Board in annual instalments of \$15,000.00 in each and every year without interest until the whole amount shall have been fully paid, the first of such annual instalments of \$15,000.00 to be paid to the Board in the year 1945.

IN WITNESS WHEREOF this agreement has been executed the day and year first above written.

SIGNED, SEALED AND DELIVERED

In the presence of

(Seal)

(Seal)

THE CORPORATION OF THE TOWNSHIP
OF YORK.

F. J. MACRAE,
Reeve.

HOWARD A. HALL,
Clerk.

THE BOARD OF EDUCATION FOR THE
TOWNSHIP OF YORK.

HARRY DURRANT,
Chairman.

CHAS. E. WEBSTER,
Secretary-Treasurer.



BILL

An Act respecting the Township of York.

1st Reading

March 22nd, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. SAIE

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Sarnia General Hospital.

MR. CATHCART

(PRIVATE BILL)

BILL

An Act respecting the Sarnia General Hospital.

WHEREAS the Corporation of the City of Sarnia has ^{Preamble.} by its petition represented that by an Act entitled *An Act respecting the Sarnia General Hospital*, being chapter 163 of the Statutes of Ontario, 1920, as amended by *The* ^{1920,} *Sarnia General Hospital Act, 1928*, ^{c. 163,} it was enacted that the ^{1928,} council of the said Corporation might appoint five trustees ^{c. 110.} to be known as the "Hospital Commission"; and that it is now desirable to increase the said Hospital Commission to the number of nine trustees; and whereas the said Corporation has by its said petition prayed that it may be enacted as hereinafter set out; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of the Act entitled *An Act respecting the Sarnia* ^{1920,} *General Hospital*, being chapter 163 of the Statutes of Ontario, ^{c. 163, s. 3,} 1920, is repealed and the following substituted therefor: ^{re-enacted.}

3. The conduct of the affairs of the said hospital shall be ^{Appointment of hospital commission.} vested in a commission of nine trustees to be known as "The Hospital Commission," to be appointed by the Municipal Council of the City of Sarnia, the present five trustees to serve for the term for which they have been appointed, and the new trustees to be appointed as follows: two to serve until the 1st day of February, 1947, one to serve until the 1st day of February, 1948, and one to serve until the 1st day of February, 1949, and thereafter the trustee or trustees to be appointed in each year to take the place of the trustee or trustees whose term or terms shall have expired shall be appointed for a term of three years, but no more than one member of the Municipal Council of the City of Sarnia shall be eligible for appointment as a hospital trustee.

Commence-
ment of Act. 2. This Act shall come into force on the day upon which
it receives the Royal Assent.

Short title. 3. This Act may be cited as *The Sarnia General Hospital
Act, 1946*.



BILL

An Act respecting the Sarnia General
Hospital.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. CATHCART

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10, GEORGE VI, 1946

BILL

An Act respecting the Sarnia General Hospital.

MR. CATHCART



BILL

An Act respecting the Sarnia General Hospital.

WHEREAS the Corporation of the City of Sarnia has Preamble.
 by its petition represented that by an Act intitled
An Act respecting the Sarnia General Hospital, being chapter
 163 of the Statutes of Ontario, 1920, as amended by *The* 1920,
Sarnia General Hospital Act, 1928, it was enacted that the c. 163.
 council of the said Corporation might appoint five trustees 1928,
 to be known as the "Hospital Commission"; and that it is c. 110.
 now desirable to increase the said Hospital Commission to
 the number of nine trustees; and whereas the said Corporation
 has by its said petition prayed that it may be enacted as
 hereinafter set out; and whereas it is expedient to grant the
 prayer of the said petition;

Therefore, His Majesty, by and with the advice and con-
 sent of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Section 3 of the Act entitled *An Act respecting the Sarnia* 1920,
General Hospital, being chapter 163 of the Statutes of Ontario, c. 163, s. 3,
 1920, is repealed and the following substituted therefor: re-enacted.

3. The conduct of the affairs of the said hospital shall be Appoint-
 vested in a commission of nine trustees to be known ment of
 as "The Hospital Commission," to be appointed by hospital
 the Municipal Council of the City of Sarnia, the commission.
 present five trustees to serve for the term for which
 they have been appointed, and the new trustees to
 be appointed as follows: two to serve until the 1st
 day of February, 1947, one to serve until the 1st
 day of February, 1948, and one to serve until the 1st
 day of February, 1949, and thereafter the trustee or
 trustees to be appointed in each year to take the
 place of the trustee or trustees whose term or terms
 shall have expired shall be appointed for a term of
 three years, but no more than one member of the
 Municipal Council of the City of Sarnia shall be
 eligible for appointment as a hospital trustee.

Commence-
ment of Act.

2. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Sarnia General Hospital Act, 1946*.



An Act respecting the Sarma General
Hospital.

1st Reading

March 22nd, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. CATHCART

No. 29

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Orillia.

MR. SCOTT

(PRIVATE BILL)

BILL

An Act respecting the Town of Orillia.

WHEREAS the Corporation of the Town of Orillia has ^{Preamble.} by its petition prayed for special legislation in respect of the addition of certain water-power developments to its hydro-electrical system and to validate by-law number 1842 granting an exclusive bus transportation franchise to Derlyn K. Valley; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. All the powers now possessed by the Corporation of the Town of Orillia as to the acquisition of lands and water powers ^{Water power development powers extended.} and the construction, purchase, maintenance and operation of works, plant and equipment of all kinds for the development of water powers and for the generation and transmission of electrical power or energy, are hereby extended and enlarged so as to authorize the said Corporation to exercise such powers in the Townships of Oakley, McLean, and Draper.

2. It shall be lawful for the Corporation of the Town of Orillia, their servants, agents and workmen from time to time and at such times as they shall see fit, and they are hereby authorized and empowered to enter into and upon such streets, roads, highways, lanes, or other passages and lands of the Corporations of the Townships of Oakley, McLean, Draper, and Ryde as may be necessary, and the same to cut and dig up if necessary, and to lay down pipes, erect poles and wires and do other works necessary for the supplying, furnishing and transmitting of the said power, on, through, over, along and upon the public streets, roads, highways, lanes, passages and lands of the said Townships doing as little damage as may be in the exercise of such powers. ^{Right to enter, etc.}

3.—(1) Before the Corporation of the Town of Orillia commences the construction of any works authorized by section 1, a by-law authorizing the undertaking shall be ^{Approval of electors and Municipal Board.}

submitted to the electors of the Town entitled to vote on money by-laws, and shall be approved by a majority of the electors voting thereon, and the said by-law authorizing the undertaking may be combined with a by-law authorizing debentures therefor; provided that at least one week before any such by-law is voted upon the said Corporation shall have received a general approval of the undertaking by the Ontario Municipal Board.

Acquisition
of lands.

(2) Nothing in subsection 1 contained shall require the said Corporation to obtain the assent of the said electors or the approval of the said Board to the acquisition of the real property and other rights required for the development of water power in the said Townships if the cost of such acquisition is not to be provided by an issue of debentures of the said Corporation.

Power to
issue
debentures.

Rev. Stat.,
c. 266.

4. Subject to the approval of the electors and to the provisions of *The Municipal Act*, the Corporation of the Town of Orillia is hereby authorized and empowered to borrow from time to time upon debentures such money as may be required for the purpose of making extensions or additions to or improvements in its works, plant and equipment for the development of water powers, and the generation, transmission and distribution of electrical power or energy, and may upon any future issue of debentures made for the borrowing of money to acquire new or additional works, plant or equipment secure such debentures by a charge or lien upon the new or additional works, plant, or equipment to be acquired with the proceeds of such debentures.

Power to
flood road
allowances.

5. It shall be lawful for the Corporation of the Town of Orillia to flood any road allowance that may be required to be flooded in the full development of the said water power upon condition that a convenient and suitable public highway is provided by and at the expense of the said Corporation in lieu of any public highway at present opened, established and in actual use that may be so flooded.

Mathiasville,
Crozier Falls
and Cook's
Falls develop-
ment
authorized.

6. It is further declared that the Corporation of the Town of Orillia shall be entitled to develop water power at Mathiasville in the Township of Draper, at Crozier Falls in the Township of Oakley, and at Cook's Falls in the Township of McLean, to the full capacity of the development possible at these points, and to flood such lands as it may be necessary to flood in connection with such development, provided due compensation is made for any damages suffered by the owners of lands affected by such flooding.

By-laws
validated.

7. By-law number 783 of the Corporation of the Township of Draper, by-law number 506 of the Corporation of the



Township of Oakley, by-law number 688 of the Corporation of the Township of McLean and by-law number 405 of the Corporation of the Township of Ryde, set out as schedules A, B, C and D hereto, respectively, are confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof, respectively.

8. Nothing in this Act shall affect the application of *The Saving.*
Lakes and Rivers Improvement Act or the rights of His Majesty *Rev. Stat.,*
 in right of the Dominion of Canada. *c. 45.*

9.—(1) The council of the Corporation of the Town of *Contingent*
 Orillia may create a contingent fund by setting aside from year *fund*
 to year as the said council may decide, an amount from the net *authorized.*
 annual profits of the Orillia power plants, not to exceed fifty
 per centum of the said profits and not to exceed \$15,000 in any
 one year, to provide for renewals, repairs or extensions to the
 said plants.

(2) The said Council may from time to time, with the *Power to*
 approval of the Ontario Municipal Board, draw such amount *draw upon*
 from the said contingent fund as may be required for the said *contingent*
 purposes. *fund.*

10.—(1) By-law number 1842 passed by the council of the *Transporta-*
 Corporation of the Town of Orillia on the 14th day of January, *tion*
 1946, relating to the granting of an exclusive transportation *franchise*
 franchise for bus service within the limits of the Town of *validated.*
 Orillia to Derlyn K. Valley, set out as schedule E hereto,
 is hereby ratified and confirmed and declared to be legal, valid
 and binding upon the said Corporation in the same manner
 and to the same extent as if set out at length in this Act and
 the provisions thereof were enacted in this Act: and the council
 of the said Corporation is hereby authorized and empowered to
 pass such other by-laws and to enter into such agreements
 including the agreement mentioned in the said by-law number
 1842, and to do all such other acts, matters or things as may be
 deemed necessary by the said council for the full and proper
 carrying out and enforcement of the provisions of the said
 by-law number 1842 and agreement, and do any and all acts,
 matters or things that may be necessary to secure to the said
 Derlyn K. Valley an exclusive transportation franchise for
 bus service within the limits of the Town of Orillia as provided
 in the said by-law number 1842.

(2) Nothing in the said by-law number 1842 or any agree- *Saving.*
 ment entered into pursuant thereto shall be construed as
 affecting the powers conferred on the Department of Highways
 by *The Public Vehicle Act.* *Rev. Stat.,*
c. 289.

Commence-
ment of Act. **11.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **12.** This Act may be cited as *The Town of Orillia Act, 1946*.



SCHEDULE A

BY-LAW NUMBER 783 OF THE TOWNSHIP OF DRAPER

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Draper to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Draper, for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Draper, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF DRAPER by its Council enacts as follows:

1. The Municipal Corporation of the Township of Draper doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the northeasterly angle of Draper Township, Muskoka District, Province of Ontario; thence in a southerly direction along the Purbrook Fraserburg Road between the Townships of Draper and Oakley to the road allowance between Concessions 9 and 10; thence along the Mathiasville Purbrook Road, being the road allowance between Concessions 9 and 10 to the line between Lots 18 and 19; thence in a southerly direction along the Mathiasville Purbrook Road on Lot 18, in Concessions 9, 8, 7, 6, to the road allowance between the 5th and 6th Concession, this road being known as the Peterson Road; thence westerly along the road allowance between the 5th and 6th Concession to the side road between Lots 5 and 6 at McLean's Corners; thence southerly along the side road on Lots 5 and 6 in Concessions 6, 5, 4, 3, 2, and 1 to the road allowance between the Townships of Draper and Ryde; thence along the road allowance between Draper and Ryde Townships across Lot 3 to a road known as the Gravenhurst Housey Rapids Road."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining, or operating the said power transmission and distribution lines, the right

is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires, and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Draper shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Draper against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance, or operation of the said transmission and distributions lines, or from the exercise of any of the rights herein granted.

Passed this 24th day of January, A.D. 1946.

R. W. MORROW,
Reeve.

(Seal)

A. V. ASHLEY,
Clerk.

SCHEDULE B

BY-LAW NUMBER 506 OF THE TOWNSHIP OF OAKLEY

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Oakley to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Oakley for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Oakley and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF OAKLEY by its Council enacts as follows:

1. The Municipal Corporation of the Township of Oakley doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen, to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at a point on the westerly side of the Muskoka River where the old Fraserburg Baysville Road intersects with the road allowance of McLean and Oakley Townships at Lot 31, Concession 14, Oakley Township, District of Muskoka, Province of Ontario; thence westerly along the road allowance between McLean and Oakley Townships to the Bracebridge Purbrook Road, said road being on a line between Oakley and Draper Townships; thence along the road allowance and present travelled road between Oakley and Draper Townships in Concessions 14, 13, 12 and 11 to the Muskoka River."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation

from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Oakley shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Oakley against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance, or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 24th day of January, A.D. 1946.

JAMES HENDERSON,
Reeve.

(Seal)

MAY ELLIOTT,
Clerk.

SCHEDULE C

BY-LAW NUMBER 688 OF THE TOWNSHIP OF McLEAN

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of McLean to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of McLean for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of McLean, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF McLEAN by its Council enacts as follows:

1. The Municipal Corporation of the Township of McLean doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the westerly side of the Muskoka River on the old Fraserburg Baysville Road at a point where the line between Lots 30 and 29 intersect with a blind line between the 3rd and 4th Concessions of McLean Township, District of Muskoka, Province of Ontario; thence in a southerly direction on the above described road between Lots 30 and 29 in the 3rd Concession to a point on the road allowance between the 3rd and 2nd Concessions; thence along the river road in the 2nd Concession southwesterly across Lots 30, 31 and part of 32; thence south across the 1st Concession on Lots 31 and 32 to the road allowance between the Townships of McLean and Oakley; thence in a westerly direction along the road allowance between McLean and Oakley Townships across Lot 32 to the Bracebridge Purbrook Road at the southwesterly angle of McLean Township."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of McLean shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of McLean against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 25th day of January, A.D. 1946.

NORMAN A. KELLY,
Reeve.

(Seal)

GEO. ELLIS,
Clerk.

SCHEDULE D

BY-LAW NUMBER 405 OF THE TOWNSHIP OF RYDE

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Ryde to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Draper for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Draper, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF RYDE by its Council enacts as follows:

1. The Municipal Corporation of the Township of Ryde doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen, to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers, and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the Gravenhurst Houshey Rapids Road where the road allowance between Draper and Ryde Townships intersect with the side road of Lots 25 and 26, Township of Ryde, District of Muskoka, Province of Ontario; thence southerly along the side road between Lots 25 and 26 in Concessions 13, 12, 11, 10, 9, 8, 7 and 6 to the northeasterly angle of Lot 26, Concession 5; thence in a south-westerly direction along the present road allowance in the 5th Concession across Lots 26, 27 and 28 in the 4th Concession, on Lots 29 and 30 in the 3rd Concession, Lots 29 and 30 of the 2nd Concession, Lot 30 in the 1st Concession to the southwest angle of Ryde Township and the northwest angle of Dalton Township."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining, or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia

Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires, and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Ryde shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Ryde against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 28th day of January, A.D. 1946.

J. E. CLEMENT,
Reeve.

(Seal)

B. D. SMITH,
Clerk.

SCHEDULE E

BY-LAW NUMBER 1842 OF THE TOWN OF ORILLIA

RESPECTING THE GRANTING OF A BUS FRANCHISE

WHEREAS the Town of Orillia up to date has had no Town bus transportation system operating solely within its Corporated limits.

AND WHEREAS Derlyn K. Valley, hereinafter called the Company, has requested the Corporation to grant to him an exclusive transportation franchise for bus service within the limits of the Town of Orillia, and has agreed that in the event of such franchise being granted to him, he will within six months, after the By-law granting such franchise comes into effect, commence operations as outlined below.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Orillia as follows:

1. That, subject to the agreements, obligations, terms and conditions hereinafter contained, the Council of the Corporation hereby grant to the Company an exclusive transportation franchise for bus service within the limits of the said Town of Orillia for the term of ten years from and after the date when this By-law takes effect.

2. The Company shall provide a modern and efficient passenger bus transportation system, including everything pertaining to it and its operations and shall at all times during the term of this agreement keep the same in a proper and efficient condition of maintenance and repair so as to give a rapid, sure and efficacious service.

3. The Company shall purchase or obtain for said bus service at least four new modern rear engine buses of the Ford type 29-B or some other make with similar or better specifications which shall at all times be available for said bus service. Of said available buses, at least three are to operate at all times during the currency of this franchise or any extension thereof. The Company shall before operating any buses under the authority of this By-law obtain from the Town of Orillia a license in respect of each bus and shall pay therefor a fee of Ten Dollars per annum. and the Company shall at all times comply with the terms and conditions of any by-law relating to the owners of motor omnibuses thereof (except as otherwise expressly provided herein) which may be passed by the Municipal Council of the Corporation.

4. The Company shall, when this by-law takes effect, assign to the Corporation whatever interest the Company have or may at any time hereafter have in any refund from gasoline tax payable or paid to the Province of Ontario or the Dominion of Canada, and will join in, or make any application for such refund that the Corporation may from time to time request, provided that such application shall be made at the expense of the Corporation.

5. The Company agrees with the Corporation to operate a minimum twenty-minute service on all routes operated and will provide such service between the hours of Six a.m. and Twelve p.m. each day except Sundays and Holidays.

6. The Company will submit to the Corporation within two months of commencing operation a permanent schedule to be approved by the Council of the Corporation. After such schedule has been approved, the Company may not reduce the service provided by the same without the consent of two-thirds of all elected members of the Council.

7. This by-law shall not apply to the operation of motor buses or other vehicles running between any point within the Town of Orillia and

cities, towns and villages, whether incorporated or unincorporated, outside the limits of the said Town of Orillia, so long as such motor buses or other vehicles do not convey passengers from one point within the limits of the Town to another point therein. Provided also that this by-law shall not apply to the operation of motor buses or other vehicles during any and all times that the Company is prevented from regularly operating in accordance with the terms of this by-law, or neglects or fails to regularly operate in accordance with the terms of this by-law all or any motor on all or any of their lines for more than one day, and that this by-law shall not apply at any times to cabs or taxicabs or to vehicles licensed by the Department of Public Highways or vehicles over which the Council of the Corporation has no control.

8. The following fare schedule shall apply to the operation of the bus lines:

Adult tickets—10c cash or four (4) tickets for 25c.

Children tickets—under sixteen years of age—5c cash or eight (8) tickets for 25c.

Infant child in arms and not occupying a seat—free.

Police constables in the employ of the Town of Orillia shall be entitled to ride free when in uniform.

9. Free transfers will be given from one bus to another upon one continuous no stop-over trip within the Town limits on the most direct route where such transfers are necessary to enable passengers to reach their destination.

10. The provisions of *The Arbitration Act* of Ontario or any similar Act at any time substituted for or taking the place of such Act, shall apply, except insofar as varied by the Terms of this Indenture, to any submission to arbitration under the terms hereof; one arbitrator shall be appointed by each party hereto and a third shall be appointed by such arbitrators and if they cannot agree then such third arbitrator shall be appointed by a judge under the provisions of the said Act. Any decision or award made by a majority of such arbitrators shall with reference to matters properly submitted to them under the provisions of this Indenture, be conclusive and binding on the parties hereto.

11. The foregoing rates of fare are based on present day money values with reference to cost factors entering into the operation of said bus system, and when there has been a substantial decrease in the purchasing value of the dollar may be increased from time to time by agreement or if any agreement in respect to any of such matters cannot be reached between the parties then each and all of them shall be determined by arbitration as provided in paragraph 10, provided in such arbitration no increase in such rates shall be awarded except the said arbitrators shall determine that by reason of the substantial decrease in the purchasing value of the dollar such factors have so increased the cost of operation of the said bus system as to be the cause of the Company being unable to operate the same with a reasonable profit, and such increase in such rates shall be adjusted proportionate to the decreased purchasing value of the dollar; and in like manner, if such cost factors are reduced there shall be a corresponding reduction in the rates of fare so as to at all times relate the rates of fare to the cost factors aforesaid prevailing at the date hereof. No arbitrations shall be applied for hereunder by either party less than one (1) year after a former arbitration has been commenced, and any order or award made by a Board of Arbitration under the terms of this paragraph shall be conclusive and binding on the parties hereto until further changed by agreement or arbitration.

12. Upon an application being made by the Company or the Corporation under previous paragraph hereof, the Corporation shall have the right, within thirty days after such application has been made, to have some one appointed at any time, and from time to time, to examine the books of accounts, vouchers, records, documents, balance sheets and all other papers or documents relating to the affairs of the Company, and to

take extracts therefrom, and no further action shall be taken with regard to the application until the said thirty days have expired.

13. In the event of the Company failing or neglecting for the space of thirty days, computed as hereinafter mentioned, to maintain and operate their bus system in substantial conformity with the provisions of this by-law (in reckoning the said days parts of days shall be counted, and seventeen working hours, whether consecutive or not, and whether in the same twenty-four hours or not, shall be counted as one day) the Corporation by resolution of the Council thereof, may declare that all the privileges and rights which the Company have acquired by this or any other by-law heretofore or hereafter passed, or by any agreement with the Corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith and rescind the agreements relating thereto and the said privileges and rights shall thereupon cease and be at an end accordingly and the said agreements rescinded, or the Corporation may, at their option, from time to time, bring an action or actions in the Supreme Court of Ontario against the Company and all other necessary parties to compel the keeping, observing, performing of and complying with the provisions of this by-law and/or any agreement entered into pursuant thereto, and the Court shall have full power and jurisdiction in the premises to enforce by injunction, mandamus or otherwise the due observance, performance and fulfilment by the Company and its officers and other persons of all the provisions of this by-law in which the residents of the municipality or the Corporation or any other person or corporation are interested.

14. The Company may, if they wish to do so, apply in writing to the Council of the Corporation for a renewal or extension of the franchise granted by this by-law, and such application shall be filed with the Clerk of the Council of the Corporation not later than six months prior to the expiry date of this Agreement, and such renewal or extension may be granted without submitting the question to the municipal electors.

15. The Corporation agrees that it will, at the next municipal election, place before the electors of the Town of Orillia a By-law to grant unto the Company an exclusive ten (10) year franchise for the operation of a bus transportation service in accordance with this Agreement, and in the event of it being necessary that such a by-law be validated, to permit the carrying out and fulfilment of this Agreement, the parties hereto shall join in an Application for such legislation as may be required and the cost thereof shall be borne jointly by the parties hereto.

16. The Company shall have the privilege, notwithstanding anything herein contained, of extending the service to suburban areas at any time during the term of this Agreement and of altering the schedules subject to approval of two-thirds of all the members of the Council, in such manner as to permit the giving of such suburban service providing the service within the Town limits shall not be unduly reduced or disturbed.

17. The Company may from time to time make rules and regulations governing the conduct of passengers on its buses and premises, the payment of fares, use of fare tickets and transfers and other matters pertaining to the relationship between the Company and its passengers or prospective passengers and upon approval thereof by the Municipal Council of the Corporation, such rules and regulations shall form part of this Agreement. A copy of such Rules and Regulations shall be filed with the Corporation forthwith after approval by the Council.

18. Rules and Regulations previously made may be amended from time to time with the approval of the Municipal Council of the said Corporation and amendments so approved shall forthwith be filed with the Corporation.

19. The Corporation shall, on the written request of the Company trim or cut the limbs and branches of trees growing on or near the streets of the routes over which buses are scheduled to travel, and such other places as may be deemed necessary, so that the buses be not scratched or otherwise damaged.

20. The Corporation agrees to take all necessary steps to avoid congestion of traffic and as far as possible to facilitate the free passage of buses upon the streets in order that schedules may be maintained, and the Company agrees to change the place of any bus stop which in the opinion of the Council causes undue traffic congestion upon being notified in writing by the Mayor so to do.

21. The buses operated by the Company under the said Franchise shall stop at such stopping places on the bus routes in order to pick up or let off passengers, as the Company may select and the Municipal Council of the Corporation shall have the right to set aside for the purpose of bus stops, the places selected by the Company and shall designate same by proper signs, and the Company shall pay for the erection and maintenance of same.

22. The Corporation will enact and enforce or cause to be enacted and enforced proper by-laws and regulations to provide bus stops as aforesaid and for keeping such places clear of vehicles and obstructions of any kind.

23. If, at any time, complaint be made to the Corporation as to the condition of the said buses, or any of them, and in the opinion of the Municipal Council, as by its resolution expressed it desires an inspection to be made on which to base representations to the Company as to said conditions, the Engineer of the said Corporation or some other person appointed by Council may inspect the said buses and make such representations to the Company on behalf of the Corporation as to the Engineer or such other person may seem appropriate.

24. No liability shall attach to the Company if it is unable to operate by reason of Acts of God, war conditions or exigencies, weather, strikes, fires, riots or other circumstances beyond its control.

25. The Corporation will not grant or be a party to the granting of any rights to operate any street railway within the Town of Orillia or to operate other means of mass transportation equivalent or similar to the said bus transportation system contemplated hereunder and the term "mass transportation" as herein used shall be deemed to include what is generally known as the "jitney" form of public transportation.

26. At all times during the Franchise period of ten (10) years, the Company shall carry passenger liability insurance in the sum of at least Forty Thousand Dollars (\$40,000.00) in one accident and further insurance against property damage for at least Two Thousand Dollars (\$2,000.00).

27. If at any time the Company wishes to terminate this Franchise, it may do so on six months' written notice to the Corporation, and in such event, all rights and obligations hereunder shall cease. The Company may only so terminate upon proving by independent auditors that it is operating at a loss.

28. In the event of the Company wishing at any time to dispose of this Franchise, it shall give the Corporation six months' notice and the Corporation, or its nominee, shall have the privilege of acquiring it on the same terms and conditions as offered to anyone else.

29. Unless the context otherwise requires, all grants, undertakings, covenants and agreements herein contained shall be deemed to be effective only from the granting of the said bus franchise to the time it is terminated under the terms of this Indenture, and thereafter to the extent necessary to fully effect the termination of same on the terms and conditions in this Indenture set forth, and shall extend to, include, bind and enure to the benefit of the successors and assigns of the respective parties hereto.

30. The Company covenants and agrees to provide proper garage accommodations for any and all buses which it may own or use in providing the service aforesaid and covenants further, that it will not at any time allow any buses or vehicles owned or operated by it to be parked or left on public streets when not in use.

31. On the termination of the said Franchise or any renewal or extension thereof other than termination by the Company or by a breach of the terms of this Agreement by the Company, the Town shall have an option to purchase from the Company and pay for, on a valuation basis as a going concern, as for immediate operation by the Town the complete business, plant, land, buildings, equipment, tools and materials (hereinafter referred to as said plant and equipment) owned and used by the Company solely in connection with and for the purpose of the operation and maintenance of the said bus system.

32. In arriving at the amount to be paid by the Corporation for the said plant and equipment as such going concern no consideration shall be had and no allowance shall be made in respect of the value of any right surrendered by the Company or the profit or loss accruing from the operation of said bus system or of its future or prospective earnings, and if said amount cannot be settled by agreement between the parties, same shall be settled by arbitration, as provided in paragraph ten (10) hereof.

33. Any termination of the said franchise or any renewal or extension thereof other than termination by the Company or by breach of the terms of this Agreement by the Company, shall not be effective nor shall said franchise terminate until the amount referred to in this paragraph has been settled between the parties by agreement and the Corporation has entered into a contract with the Company in form satisfactory to the Company to pay the same, with interest at such rate as may be agreed upon, within one (1) year from the date of entering into said contract, or if not so settled by agreement, until such amount is so determined and declared by arbitration as provided in paragraph 10 hereof, which determination and declaration fixing the price payable by the Corporation shall constitute a binding obligation upon the Corporation to make payment to the Company within the year from the date of said determination and declaration together with interest on the said amount from the date of such determination and declaration, at such rate as shall be established by the arbitrators in accordance with current rates of interest, then prevailing and on the Corporation entering into such contract or on such determination and declaration being given by the arbitrators the Company shall transfer and deliver said plant and equipment to the Corporation and the Corporation shall receive and take same over and thereupon such franchise shall terminate.

34. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the Corporation unless and until formally assented to by the Municipal Electors of the said Town of Orillia and confirmed and validated by an Act of the Legislature of the Province of Ontario as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding in the same manner and to the same extent as if set out at length in the said Act, nor unless and until accepted by the Company, within thirty days after this by-law takes effect, by an agreement, which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and shall be approved by the Town Solicitor, and such agreement when so approved shall be executed under the seal of the Corporation by the Mayor and Clerk.

Read and passed a First time in Open Council this Sixth day of December, A. D. 1945.

Read and passed a Second time in Open Council this Sixth day of December, A.D. 1945.

F. C. YEO,
Mayor.

(Seal)

H. E. M. PAYNE,
Clerk.

Read a Third time in Open Council and Finally passed this 14th day of January, A.D. 1946.

F. C. YEO,
Mayor.

(Seal)

H. E. M. PAYNE,
Clerk.



An Act respecting the Town of Orillia.

1st Reading

2nd Reading

3rd Reading

MR. SCOTT

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Orillia.

MR. SCOTT

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the Town of Orillia.

WHEREAS the Corporation of the Town of Orillia has by its petition prayed for special legislation in respect of the addition of certain water-power developments to its hydro-electrical system and to validate by-law number 1842 granting an exclusive bus transportation franchise to Derlyn K. Valley; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All the powers now possessed by the Corporation of the Town of Orillia as to the acquisition of lands and water powers and the construction, purchase, maintenance and operation of works, plant and equipment of all kinds for the development of water powers and for the generation and transmission of electrical power or energy, are hereby extended and enlarged so as to authorize the said Corporation to exercise such powers in the Townships of Oakley, McLean, and Draper. Water power development powers extended.

(2) The powers conferred by subsection 1 shall not be exercised in such manner as may interfere with or affect adversely the operation or water control of The Hydro-Electric Power Commission of Ontario at or for its present developments on the south branch of the Muskoka River and the Musquash River. No interference with Hydro Commission developments.

2. It shall be lawful for the Corporation of the Town of Orillia, their servants, agents and workmen from time to time and at such times as they shall see fit, and they are hereby authorized and empowered to enter into and upon such streets, roads, highways, lanes, or other passages and lands of the Corporations of the Townships of Oakley, McLean, Draper, and Ryde as may be necessary, and the same to cut and dig up if necessary, and to lay down pipes, erect poles and wires and do other works necessary for the supplying, furnishing Right to enter, etc.

and transmitting of the said power, on, through, over, along and upon the public streets, roads, highways, lanes, passages and lands of the said Townships doing as little damage as may be in the exercise of such powers.

Approval of
electors and
Municipal
Board.

3.—(1) Before the Corporation of the Town of Orillia commences the construction of any works authorized by section 1, a by-law authorizing the undertaking shall be submitted to the electors of the Town entitled to vote on money by-laws, and shall be approved by a majority of the electors voting thereon, and the said by-law authorizing the undertaking may be combined with a by-law authorizing debentures therefor; provided that at least one week before any such by-law is voted upon the said Corporation shall have received a general approval of the undertaking by the Ontario Municipal Board.

Acquisition
of lands.

(2) Nothing in subsection 1 contained shall require the said Corporation to obtain the assent of the said electors or the approval of the said Board to the acquisition of the real property and other rights required for the development of water power in the said Townships if the cost of such acquisition is not to be provided by an issue of debentures of the said Corporation.

Power to
issue
debentures.
Rev. Stat.,
c. 266.

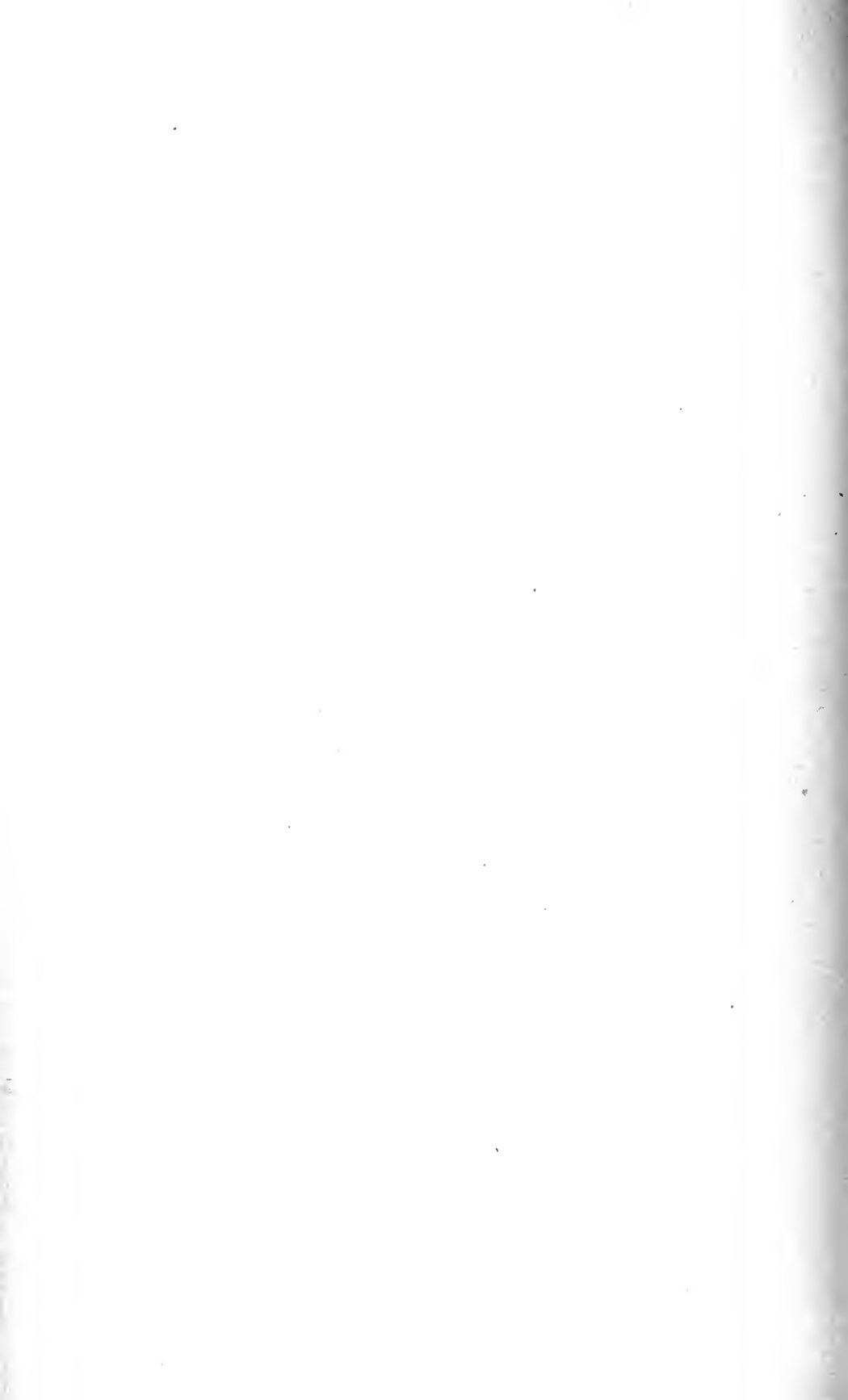
4. Subject to the approval of the electors and to the provisions of *The Municipal Act*, the Corporation of the Town of Orillia is hereby authorized and empowered to borrow from time to time upon debentures such money as may be required for the purpose of making extensions or additions to or improvements in its works, plant and equipment for the development of water powers, and the generation, transmission and distribution of electrical power or energy, and may upon any future issue of debentures made for the borrowing of money to acquire new or additional works, plant or equipment secure such debentures by a charge or lien upon the new or additional works, plant, or equipment to be acquired with the proceeds of such debentures.

Power to
flood road
allowances.

5. It shall be lawful for the Corporation of the Town of Orillia to flood any road allowance that may be required to be flooded in the full development of the said water power upon condition that a convenient and suitable public highway is provided by and at the expense of the said Corporation in lieu of any public highway at present opened, established and in actual use that may be so flooded.

Mathiasville,
Crozier Falls
and Cook's
Falls develop-
ment
authorized.

6.—(1) It is further declared that the Corporation of the Town of Orillia shall be entitled to develop water power at Mathiasville in the Township of Draper, at Crozier Falls in the Township of Oakley, and at Cook's Falls in the Township



of McLean, to the full capacity of the development possible at these points, and to flood such lands as it may be necessary to flood in connection with such development, provided due compensation is made for any damages suffered by the owners of lands affected by such flooding.

(2) The powers conferred by subsection 1 shall not be exercised in such manner as may interfere with or affect adversely the operation or water control of The Hydro-Electric Power Commission of Ontario at or for its present developments on the south branch of the Muskoka River and the Muskquash River.

No interference with Hydro Commission developments.

7. By-law number 783 of the Corporation of the Township of Draper, by-law number 506 of the Corporation of the Township of Oakley, by-law number 688 of the Corporation of the Township of McLean and by-law number 405 of the Corporation of the Township of Ryde, set out as schedules A, B, C and D hereto, respectively, are confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof, respectively.

By-laws validated.

8. Nothing in this Act shall affect the application of *The Saving. Lakes and Rivers Improvement Act* or the rights of His Majesty Rev. Stat., c. 45. in right of the Dominion of Canada.

9.—(1) The council of the Corporation of the Town of Orillia may create a contingent fund by setting aside from year to year as the said council may decide, an amount from the net annual profits of the Orillia power plants, not to exceed fifty per centum of the said profits and not to exceed \$15,000 in any one year, to provide for renewals, repairs or extensions to the said plants.

Contingent fund authorized.

(2) The said Council may from time to time, with the approval of the Ontario Municipal Board, draw such amount from the said contingent fund as may be required for the said purposes.

Power to draw upon contingent fund.

10.—(1) By-law number 1842 passed by the council of the Corporation of the Town of Orillia on the 14th day of January, 1946, relating to the granting of an exclusive transportation franchise for bus service within the limits of the Town of Orillia to Derlyn K. Valley, set out as schedule E hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation in the same manner and to the same extent as if set out at length in this Act and the provisions thereof were enacted in this Act: and the council of the said Corporation is hereby authorized and empowered to pass such other by-laws and to enter into such agreements

Transportation franchise validated.

including the agreement mentioned in the said by-law number 1842, and to do all such other acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said by-law number 1842 and agreement, and do any and all acts, matters or things that may be necessary to secure to the said Derlyn K. Valley an exclusive transportation franchise for bus service within the limits of the Town of Orillia as provided in the said by-law number 1842.

- Saving.** (2) Nothing in the said by-law number 1842 or any agreement entered into pursuant thereto shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.
- Rev. Stat., c. 289.**
- Commence-
ment of Act.** **11.** This Act shall come into force on the day upon which it receives the Royal Assent.
- Short title.** **12.** This Act may be cited as *The Town of Orillia Act, 1946*.

SCHEDULE A

BY-LAW NUMBER 783 OF THE TOWNSHIP OF DRAPER

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Draper to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Draper, for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Draper, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF DRAPER by its Council enacts as follows:

1. The Municipal Corporation of the Township of Draper doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the northeasterly angle of Draper Township, Muskoka District, Province of Ontario; thence in a southerly direction along the Purbrook Fraserburg Road between the Townships of Draper and Oakley to the road allowance between Concessions 9 and 10; thence along the Mathiasville Purbrook Road, being the road allowance between Concessions 9 and 10 to the line between Lots 18 and 19; thence in a southerly direction along the Mathiasville Purbrook Road on Lot 18, in Concessions 9, 8, 7, 6, to the road allowance between the 5th and 6th Concession, this road being known as the Peterson Road; thence westerly along the road allowance between the 5th and 6th Concession to the side road between Lots 5 and 6 at McLean's Corners; thence southerly along the side road on Lots 5 and 6 in Concessions 6, 5, 4, 3, 2, and 1 to the road allowance between the Townships of Draper and Ryde; thence along the road allowance between Draper and Ryde Townships across Lot 3 to a road known as the Gravenhurst Housey Rapids Road."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining, or operating the said power transmission and distribution lines, the right

is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires, and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Draper shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Draper against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance, or operation of the said transmission and distributions lines, or from the exercise of any of the rights herein granted.

Passed this 24th day of January, A.D. 1946.

R. W. MORROW,
Reeve.

(Seal)

A. Y. ASHLEY,
Clerk.

SCHEDULE B

BY-LAW NUMBER 506 OF THE TOWNSHIP OF OAKLEY

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Oakley to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Oakley for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Oakley and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF OAKLEY by its Council enacts as follows:

1. The Municipal Corporation of the Township of Oakley doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen, to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at a point on the westerly side of the Muskoka River where the old Fraserburg Baysville Road intersects with the road allowance of McLean and Oakley Townships at Lot 31, Concession 14, Oakley Township, District of Muskoka, Province of Ontario; thence westerly along the road allowance between McLean and Oakley Townships to the Bracebridge Purbrook Road, said road being on a line between Oakley and Draper Townships; thence along the road allowance and present travelled road between Oakley and Draper Townships in Concessions 14, 13, 12 and 11 to the Muskoka River."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation

from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Oakley shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Oakley against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance, or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 24th day of January, A.D. 1946.

JAMES HENDERSON,
Reeve.

(Seal)

MAY ELLIOTT,
Clerk.

SCHEDULE C

BY-LAW NUMBER 688 OF THE TOWNSHIP OF McLEAN

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of McLean to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of McLean for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of McLean, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF McLEAN by its Council enacts as follows:

1. The Municipal Corporation of the Township of McLean doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the westerly side of the Muskoka River on the old Fraserburg Baysville Road at a point where the line between Lots 30 and 29 intersect with a blind line between the 3rd and 4th Concessions of McLean Township, District of Muskoka, Province of Ontario; thence in a southerly direction on the above described road between Lots 30 and 29 in the 3rd Concession to a point on the road allowance between the 3rd and 2nd Concessions; thence along the river road in the 2nd Concession southwesterly across Lots 30, 31 and part of 32; thence south across the 1st Concession on Lots 31 and 32 to the road allowance between the Townships of McLean and Oakley; thence in a westerly direction along the road allowance between McLean and Oakley Townships across Lot 32 to the Bracebridge Purbrook Road at the southwesterly angle of McLean Township."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of McLean shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of McLean against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 25th day of January, A.D. 1946.

NORMAN A. KELLY,
Reeve.

(Seal)

GEO. ELLIS,
Clerk.

SCHEDULE D

BY-LAW NUMBER 405 OF THE TOWNSHIP OF RYDE

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Ryde to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Draper for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Draper, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF RYDE by its Council enacts as follows:

1. The Municipal Corporation of the Township of Ryde doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen, to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers, and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the Gravenhurst Housey Rapids Road where the road allowance between Draper and Ryde Townships intersect with the side road of Lots 25 and 26, Township of Ryde, District of Muskoka, Province of Ontario; thence southerly along the side road between Lots 25 and 26 in Concessions 13, 12, 11, 10, 9, 8, 7 and 6 to the northeasterly angle of Lot 26, Concession 5; thence in a south-westerly direction along the present road allowance in the 5th Concession across Lots 26, 27 and 28 in the 4th Concession, on Lots 29 and 30 in the 3rd Concession, Lots 29 and 30 of the 2nd Concession. Lot 30 in the 1st Concession to the southwest angle of Ryde Township and the northwest angle of Dalton Township."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining, or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia

Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires, and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Ryde shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Ryde against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 28th day of January, A.D. 1946.

J. E. CLEMENT,
Reeve.

(Seal)

B. D. SMITH,
Clerk.

SCHEDULE E

BY-LAW NUMBER 1842 OF THE TOWN OF ORILLIA

RESPECTING THE GRANTING OF A BUS FRANCHISE

WHEREAS the Town of Orillia up to date has had no Town bus transportation system operating solely within its Corporated limits.

AND WHEREAS Derlyn K. Valley, hereinafter called the Company, has requested the Corporation to grant to him an exclusive transportation franchise for bus service within the limits of the Town of Orillia, and has agreed that in the event of such franchise being granted to him, he will within six months, after the By-law granting such franchise comes into effect, commence operations as outlined below.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Orillia as follows:

1. That, subject to the agreements, obligations, terms and conditions hereinafter contained, the Council of the Corporation hereby grant to the Company an exclusive transportation franchise for bus service within the limits of the said Town of Orillia for the term of ten years from and after the date when this By-law takes effect.
2. The Company shall provide a modern and efficient passenger bus transportation system, including everything pertaining to it and its operations and shall at all times during the term of this agreement keep the same in a proper and efficient condition of maintenance and repair so as to give a rapid, sure and efficacious service.
3. The Company shall purchase or obtain for said bus service at least four new modern rear engine buses of the Ford type 29-B or some other make with similar or better specifications which shall at all times be available for said bus service. Of said available buses, at least three are to operate at all times during the currency of this franchise or any extension thereof. The Company shall before operating any buses under the authority of this By-law obtain from the Town of Orillia a license in respect of each bus and shall pay therefor a fee of Ten Dollars per annum. and the Company shall at all times comply with the terms and conditions of any by-law relating to the owners of motor omnibuses thereof (except as otherwise expressly provided herein) which may be passed by the Municipal Council of the Corporation.
4. The Company shall, when this by-law takes effect, assign to the Corporation whatever interest the Company have or may at any time hereafter have in any refund from gasoline tax payable or paid to the Province of Ontario or the Dominion of Canada, and will join in, or make any application for such refund that the Corporation may from time to time request, provided that such application shall be made at the expense of the Corporation.
5. The Company agrees with the Corporation to operate a minimum twenty-minute service on all routes operated and will provide such service between the hours of Six a.m. and Twelve p.m. each day except Sundays and Holidays.
6. The Company will submit to the Corporation within two months of commencing operation a permanent schedule to be approved by the Council of the Corporation. After such schedule has been approved, the Company may not reduce the service provided by the same without the consent of two-thirds of all elected members of the Council.
7. This by-law shall not apply to the operation of motor buses or other vehicles running between any point within the Town of Orillia and

cities, towns and villages, whether incorporated or unincorporated, outside the limits of the said Town of Orillia, so long as such motor buses or other vehicles do not convey passengers from one point within the limits of the Town to another point therein. Provided also that this by-law shall not apply to the operation of motor buses or other vehicles during any and all times that the Company is prevented from regularly operating in accordance with the terms of this by-law, or neglects or fails to regularly operate in accordance with the terms of this by-law all or any motor on all or any of their lines for more than one day, and that this by-law shall not apply at any times to cabs or taxicabs or to vehicles licensed by the Department of Public Highways or vehicles over which the Council of the Corporation has no control.

8. The following fare schedule shall apply to the operation of the bus lines:

Adult tickets—10c cash or four (4) tickets for 25c.

Children tickets—under sixteen years of age—5c cash or eight (8) tickets for 25c.

Infant child in arms and not occupying a seat—free.

Police constables in the employ of the Town of Orillia shall be entitled to ride free when in uniform.

9. Free transfers will be given from one bus to another upon one continuous no stop-over trip within the Town limits on the most direct route where such transfers are necessary to enable passengers to reach their destination.

10. The provisions of *The Arbitration Act* of Ontario or any similar Act at any time substituted for or taking the place of such Act, shall apply, except insofar as varied by the Terms of this Indenture, to any submission to arbitration under the terms hereof; one arbitrator shall be appointed by each party hereto and a third shall be appointed by such arbitrators and if they cannot agree then such third arbitrator shall be appointed by a judge under the provisions of the said Act. Any decision or award made by a majority of such arbitrators shall with reference to matters properly submitted to them under the provisions of this Indenture, be conclusive and binding on the parties hereto.

11. The foregoing rates of fare are based on present day money values with reference to cost factors entering into the operation of said bus system, and when there has been a substantial decrease in the purchasing value of the dollar may be increased from time to time by agreement or if any agreement in respect to any of such matters cannot be reached between the parties then each and all of them shall be determined by arbitration as provided in paragraph 10, provided in such arbitration no increase in such rates shall be awarded except the said arbitrators shall determine that by reason of the substantial decrease in the purchasing value of the dollar such factors have so increased the cost of operation of the said bus system as to be the cause of the Company being unable to operate the same with a reasonable profit, and such increase in such rates shall be adjusted proportionate to the decreased purchasing value of the dollar; and in like manner, if such cost factors are reduced there shall be a corresponding reduction in the rates of fare so as to at all times relate the rates of fare to the cost factors aforesaid prevailing at the date hereof. No arbitrations shall be applied for hereunder by either party less than one (1) year after a former arbitration has been commenced, and any order or award made by a Board of Arbitration under the terms of this paragraph shall be conclusive and binding on the parties hereto until further changed by agreement or arbitration.

12. Upon an application being made by the Company or the Corporation under previous paragraph hereof, the Corporation shall have the right, within thirty days after such application has been made, to have some one appointed at any time, and from time to time, to examine the books of accounts, vouchers, records, documents, balance sheets and all other papers or documents relating to the affairs of the Company, and to

take extracts therefrom, and no further action shall be taken with regard to the application until the said thirty days have expired.

13. In the event of the Company failing or neglecting for the space of thirty days, computed as hereinafter mentioned, to maintain and operate their bus system in substantial conformity with the provisions of this by-law (in reckoning the said days parts of days shall be counted, and seventeen working hours, whether consecutive or not, and whether in the same twenty-four hours or not, shall be counted as one day) the Corporation by resolution of the Council thereof, may declare that all the privileges and rights which the Company have acquired by this or any other by-law heretofore or hereafter passed, or by any agreement with the Corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith and rescind the agreements relating thereto and the said privileges and rights shall thereupon cease and be at an end accordingly and the said agreements rescinded, or the Corporation may, at their option, from time to time, bring an action or actions in the Supreme Court of Ontario against the Company and all other necessary parties to compel the keeping, observing, performing of and complying with the provisions of this by-law and/or any agreement entered into pursuant thereto, and the Court shall have full power and jurisdiction in the premises to enforce by injunction, mandamus or otherwise the due observance, performance and fulfilment by the Company and its officers and other persons of all the provisions of this by-law in which the residents of the municipality or the Corporation or any other person or corporation are interested.
14. The Company may, if they wish to do so, apply in writing to the Council of the Corporation for a renewal or extension of the franchise granted by this by-law, and such application shall be filed with the Clerk of the Council of the Corporation not later than six months prior to the expiry date of this Agreement, and such renewal or extension may be granted without submitting the question to the municipal electors.
15. The Corporation agrees that it will, at the next municipal election, place before the electors of the Town of Orillia a By-law to grant unto the Company an exclusive ten (10) year franchise for the operation of a bus transportation service in accordance with this Agreement, and in the event of it being necessary that such a by-law be validated, to permit the carrying out and fulfilment of this Agreement, the parties hereto shall join in an Application for such legislation as may be required and the cost thereof shall be borne jointly by the parties hereto.
16. The Company shall have the privilege, notwithstanding anything herein contained, of extending the service to suburban areas at any time during the term of this Agreement and of altering the schedules subject to approval of two-thirds of all the members of the Council, in such manner as to permit the giving of such suburban service providing the service within the Town limits shall not be unduly reduced or disturbed.
17. The Company may from time to time make rules and regulations governing the conduct of passengers on its buses and premises, the payment of fares, use of fare tickets and transfers and other matters pertaining to the relationship between the Company and its passengers or prospective passengers and upon approval thereof by the Municipal Council of the Corporation, such rules and regulations shall form part of this Agreement. A copy of such Rules and Regulations shall be filed with the Corporation forthwith after approval by the Council.
18. Rules and Regulations previously made may be amended from time to time with the approval of the Municipal Council of the said Corporation and amendments so approved shall forthwith be filed with the Corporation.
19. The Corporation shall, on the written request of the Company trim or cut the limbs and branches of trees growing on or near the streets of the routes over which buses are scheduled to travel, and such other places as may be deemed necessary, so that the buses be not scratched or otherwise damaged.

20. The Corporation agrees to take all necessary steps to avoid congestion of traffic and as far as possible to facilitate the free passage of buses upon the streets in order that schedules may be maintained, and the Company agrees to change the place of any bus stop which in the opinion of the Council causes undue traffic congestion upon being notified in writing by the Mayor so to do.

21. The buses operated by the Company under the said Franchise shall stop at such stopping places on the bus routes in order to pick up or let off passengers, as the Company may select and the Municipal Council of the Corporation shall have the right to set aside for the purpose of bus stops, the places selected by the Company and shall designate same by proper signs, and the Company shall pay for the erection and maintenance of same.

22. The Corporation will enact and enforce or cause to be enacted and enforced proper by-laws and regulations to provide bus stops as aforesaid and for keeping such places clear of vehicles and obstructions of any kind.

23. If, at any time, complaint be made to the Corporation as to the condition of the said buses, or any of them, and in the opinion of the Municipal Council, as by its resolution expressed it desires an inspection to be made on which to base representations to the Company as to said conditions, the Engineer of the said Corporation or some other person appointed by Council may inspect the said buses and make such representations to the Company on behalf of the Corporation as to the Engineer or such other person may seem appropriate.

24. No liability shall attach to the Company if it is unable to operate by reason of Acts of God, war conditions or exigencies, weather, strikes, fires, riots or other circumstances beyond its control.

25. The Corporation will not grant or be a party to the granting of any rights to operate any street railway within the Town of Orillia or to operate other means of mass transportation equivalent or similar to the said bus transportation system contemplated hereunder and the term "mass transportation" as herein used shall be deemed to include what is generally known as the "jitney" form of public transportation.

26. At all times during the Franchise period of ten (10) years, the Company shall carry passenger liability insurance in the sum of at least Forty Thousand Dollars (\$40,000.00) in one accident and further insurance against property damage for at least Two Thousand Dollars (\$2,000.00).

27. If at any time the Company wishes to terminate this Franchise, it may do so on six months' written notice to the Corporation, and in such event, all rights and obligations hereunder shall cease. The Company may only so terminate upon proving by independent auditors that it is operating at a loss.

28. In the event of the Company wishing at any time to dispose of this Franchise, it shall give the Corporation six months' notice and the Corporation, or its nominee, shall have the privilege of acquiring it on the same terms and conditions as offered to anyone else.

29. Unless the context otherwise requires, all grants, undertakings, covenants and agreements herein contained shall be deemed to be effective only from the granting of the said bus franchise to the time it is terminated under the terms of this Indenture, and thereafter to the extent necessary to fully effect the termination of same on the terms and conditions in this Indenture set forth, and shall extend to, include, bind and enure to the benefit of the successors and assigns of the respective parties hereto.

30. The Company covenants and agrees to provide proper garage accommodations for any and all buses which it may own or use in providing the service aforesaid and covenants further that it will not at any time allow any buses or vehicles owned or operated by it to be parked or left on public streets when not in use.

31. On the termination of the said Franchise or any renewal or extension thereof other than termination by the Company or by a breach of the terms of this Agreement by the Company, the Town shall have an option to purchase from the Company and pay for, on a valuation basis as a going concern, as for immediate operation by the Town the complete business, plant, land, buildings, equipment, tools and materials (hereinafter referred to as said plant and equipment) owned and used by the Company solely in connection with and for the purpose of the operation and maintenance of the said bus system.

32. In arriving at the amount to be paid by the Corporation for the said plant and equipment as such going concern no consideration shall be had and no allowance shall be made in respect of the value of any right surrendered by the Company or the profit or loss accruing from the operation of said bus system or of its future or prospective earnings, and if said amount cannot be settled by agreement between the parties, same shall be settled by arbitration, as provided in paragraph ten (10) hereof.

33. Any termination of the said franchise or any renewal or extension thereof other than termination by the Company or by breach of the terms of this Agreement by the Company, shall not be effective nor shall said franchise terminate until the amount referred to in this paragraph has been settled between the parties by agreement and the Corporation has entered into a contract with the Company in form satisfactory to the Company to pay the same, with interest at such rate as may be agreed upon, within one (1) year from the date of entering into said contract, or if not so settled by agreement, until such amount is so determined and declared by arbitration as provided in paragraph 10 hereof, which determination and declaration fixing the price payable by the Corporation shall constitute a binding obligation upon the Corporation to make payment to the Company within the year from the date of said determination and declaration together with interest on the said amount from the date of such determination and declaration, at such rate as shall be established by the arbitrators in accordance with current rates of interest, then prevailing and on the Corporation entering into such contract or on such determination and declaration being given by the arbitrators the Company shall transfer and deliver said plant and equipment to the Corporation and the Corporation shall receive and take same over and thereupon such franchise shall terminate.

34. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the Corporation unless and until formally assented to by the Municipal Electors of the said Town of Orillia and confirmed and validated by an Act of the Legislature of the Province of Ontario as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding in the same manner and to the same extent as if set out at length in the said Act, nor unless and until accepted by the Company, within thirty days after this by-law takes effect, by an agreement, which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and shall be approved by the Town Solicitor, and such agreement when so approved shall be executed under the seal of the Corporation by the Mayor and Clerk.

Read and passed a First time in Open Council this Sixth day of December, A. D. 1945.

Read and passed a Second time in Open Council this Sixth day of December, A.D. 1945.

F. C. YEO,
Mayor.

(Seal)

H. E. M. PAYNE,
Clerk.

Read a Third time in Open Council and Finally passed this 14th day of January, A.D. 1946.

F. C. YEO,
Mayor.

(Seal)

H. E. M. PAYNE,
Clerk.

An Act respecting the Town of Orillia.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. SCOTT

(Reprinted as amended by the Committee on
Private Bills.)

No. 29

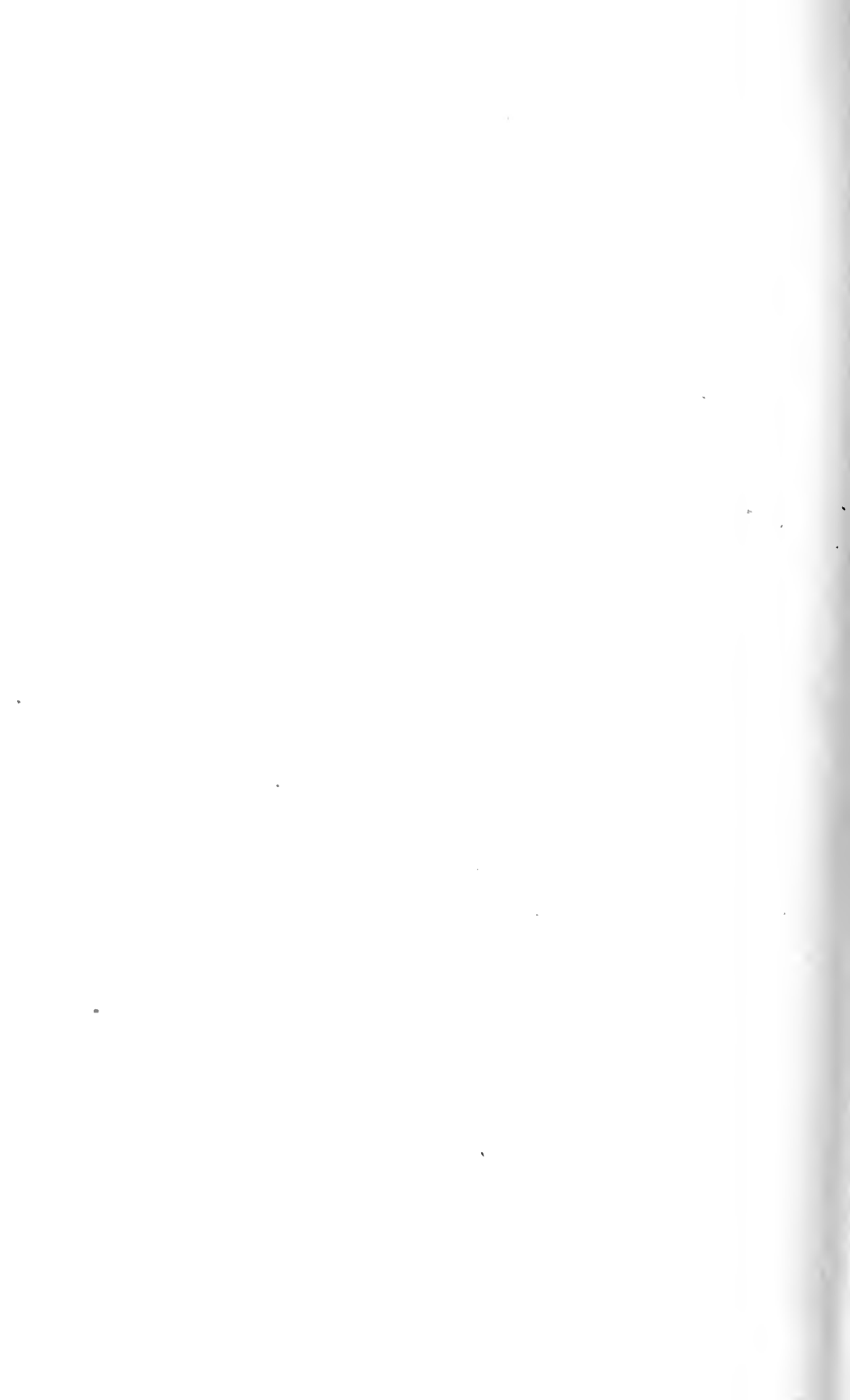
2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Orillia.

MR. SCOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY



BILL

An Act respecting the Town of Orillia.

WHEREAS the Corporation of the Town of Orillia has ^{Preamble.} by its petition prayed for special legislation in respect of the addition of certain water-power developments to its hydro-electrical system and to validate by-law number 1842 granting an exclusive bus transportation franchise to Derlyn K. Valley; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) All the powers now possessed by the Corporation of the Town of Orillia as to the acquisition of lands and water powers and the construction, purchase, maintenance and operation of works, plant and equipment of all kinds for the development of water powers and for the generation and transmission of electrical power or energy, are hereby extended and enlarged so as to authorize the said Corporation to exercise such powers in the Townships of Oakley, McLean, and Draper. ^{Water power development powers extended.}

(2) The powers conferred by subsection 1 shall not be exercised in such manner as may interfere with or affect adversely the operation or water control of The Hydro-Electric Power Commission of Ontario at or for its present developments on the south branch of the Muskoka River and the Musquash River. ^{No interference with Hydro Commission developments.}

2. It shall be lawful for the Corporation of the Town of Orillia, their servants, agents and workmen from time to time and at such times as they shall see fit, and they are hereby authorized and empowered to enter into and upon such streets, roads, highways, lanes, or other passages and lands of the Corporations of the Townships of Oakley, McLean, Draper, and Ryde as may be necessary, and the same to cut and dig up if necessary, and to lay down pipes, erect poles and wires and do other works necessary for the supplying, furnishing ^{Right to enter, etc.}

and transmitting of the said power, on, through, over, along and upon the public streets, roads, highways, lanes, passages and lands of the said Townships doing as little damage as may be in the exercise of such powers.

Approval of electors and Municipal Board.

3.—(1) Before the Corporation of the Town of Orillia commences the construction of any works authorized by section 1, a by-law authorizing the undertaking shall be submitted to the electors of the Town entitled to vote on money by-laws, and shall be approved by a majority of the electors voting thereon, and the said by-law authorizing the undertaking may be combined with a by-law authorizing debentures therefor; provided that at least one week before any such by-law is voted upon the said Corporation shall have received a general approval of the undertaking by the Ontario Municipal Board.

Acquisition of lands.

(2) Nothing in subsection 1 contained shall require the said Corporation to obtain the assent of the said electors or the approval of the said Board to the acquisition of the real property and other rights required for the development of water power in the said Townships if the cost of such acquisition is not to be provided by an issue of debentures of the said Corporation.

Power to issue debentures.

Rev. Stat., c. 266.

4. Subject to the approval of the electors and to the provisions of *The Municipal Act*, the Corporation of the Town of Orillia is hereby authorized and empowered to borrow from time to time upon debentures such money as may be required for the purpose of making extensions or additions to or improvements in its works, plant and equipment for the development of water powers, and the generation, transmission and distribution of electrical power or energy, and may upon any future issue of debentures made for the borrowing of money to acquire new or additional works, plant or equipment secure such debentures by a charge or lien upon the new or additional works, plant, or equipment to be acquired with the proceeds of such debentures.

Power to flood road allowances.

5. It shall be lawful for the Corporation of the Town of Orillia to flood any road allowance that may be required to be flooded in the full development of the said water power upon condition that a convenient and suitable public highway is provided by and at the expense of the said Corporation in lieu of any public highway at present opened, established and in actual use that may be so flooded.

Mathiasville, Crozier Falls and Cook's Falls development authorized.

6.—(1) It is further declared that the Corporation of the Town of Orillia shall be entitled to develop water power at Mathiasville in the Township of Draper, at Crozier Falls in the Township of Oakley, and at Cook's Falls in the Township

of McLean, to the full capacity of the development possible at these points, and to flood such lands as it may be necessary to flood in connection with such development, provided due compensation is made for any damages suffered by the owners of lands affected by such flooding.

(2) The powers conferred by subsection 1 shall not be exercised in such manner as may interfere with or affect adversely the operation or water control of The Hydro-Electric Power Commission of Ontario at or for its present developments on the south branch of the Muskoka River and the Musquash River.

No interference with Hydro Commission developments.

7. By-law number 783 of the Corporation of the Township of Draper, by-law number 506 of the Corporation of the Township of Oakley, by-law number 688 of the Corporation of the Township of McLean and by-law number 405 of the Corporation of the Township of Ryde, set out as schedules A, B, C and D hereto, respectively, are confirmed and declared to be legal, valid and binding upon the said corporations and the ratepayers thereof, respectively.

By-laws validated.

8. Nothing in this Act shall affect the application of *The Lakes and Rivers Improvement Act* or the rights of His Majesty in right of the Dominion of Canada.

Saving.
Rev. Stat., c. 45.

9.—(1) The council of the Corporation of the Town of Orillia may create a contingent fund by setting aside from year to year as the said council may decide, an amount from the net annual profits of the Orillia power plants, not to exceed fifty per centum of the said profits and not to exceed \$15,000 in any one year, to provide for renewals, repairs or extensions to the said plants.

Contingent fund authorized.

(2) The said Council may from time to time, with the approval of the Ontario Municipal Board, draw such amount from the said contingent fund as may be required for the said purposes.

Power to draw upon contingent fund.

10.—(1) By-law number 1842 passed by the council of the Corporation of the Town of Orillia on the 14th day of January, 1946, relating to the granting of an exclusive transportation franchise for bus service within the limits of the Town of Orillia to Derlyn K. Valley, set out as schedule E hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation in the same manner and to the same extent as if set out at length in this Act and the provisions thereof were enacted in this Act: and the council of the said Corporation is hereby authorized and empowered to pass such other by-laws and to enter into such agreements

Transportation franchise validated.

including the agreement mentioned in the said by-law number 1842, and to do all such other acts, matters or things as may be deemed necessary by the said council for the full and proper carrying out and enforcement of the provisions of the said by-law number 1842 and agreement, and do any and all acts, matters or things that may be necessary to secure to the said Derlyn K. Valley an exclusive transportation franchise for bus service within the limits of the Town of Orillia as provided in the said by-law number 1842.

Saving.

(2) Nothing in the said by-law number 1842 or any agreement entered into pursuant thereto shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Rev. Stat.,
c. 289.

Commence-
ment of Act.

11. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

12. This Act may be cited as *The Town of Orillia Act, 1946*.

SCHEDULE A

BY-LAW NUMBER 783 OF THE TOWNSHIP OF DRAPER

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Draper to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Draper, for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Draper, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF DRAPER by its Council enacts as follows:

1. The Municipal Corporation of the Township of Draper doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the northeasterly angle of Draper Township, Muskoka District, Province of Ontario; thence in a southerly direction along the Purbrook Fraserburg Road between the Townships of Draper and Oakley to the road allowance between Concessions 9 and 10; thence along the Mathiasville Purbrook Road, being the road allowance between Concessions 9 and 10 to the line between Lots 18 and 19; thence in a southerly direction along the Mathiasville Purbrook Road on Lot 18, in Concessions 9, 8, 7, 6, to the road allowance between the 5th and 6th Concession, this road being known as the Peterson Road; thence westerly along the road allowance between the 5th and 6th Concession to the side road between Lots 5 and 6 at McLean's Corners; thence southerly along the side road on Lots 5 and 6 in Concessions 6, 5, 4, 3, 2, and 1 to the road allowance between the Townships of Draper and Ryde; thence along the road allowance between Draper and Ryde Townships across Lot 3 to a road known as the Gravenhurst Housey Rapids Road."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining, or operating the said power transmission and distribution lines, the right

is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires, and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Draper shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Draper against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance, or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 24th day of January, A.D. 1946.

R. W. MORROW,
Reeve.

(Seal)

A. Y. ASHLEY,
Clerk.

SCHEDULE B

BY-LAW NUMBER 506 OF THE TOWNSHIP OF OAKLEY

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Oakley to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Oakley for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Oakley and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF OAKLEY by its Council enacts as follows:

1. The Municipal Corporation of the Township of Oakley doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen, to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at a point on the westerly side of the Muskoka River where the old Fraserburg Baysville Road intersects with the road allowance of McLean and Oakley Townships at Lot 31, Concession 14, Oakley Township, District of Muskoka, Province of Ontario; thence westerly along the road allowance between McLean and Oakley Townships to the Bracebridge Purbrook Road, said road being on a line between Oakley and Draper Townships; thence along the road allowance and present travelled road between Oakley and Draper Townships in Concessions 14, 13, 12 and 11 to the Muskoka River."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation

from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Oakley shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Oakley against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance, or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 24th day of January, A.D. 1946.

JAMES HENDERSON,
Reeve.

(Seal)

MAY ELLIOTT,
Clerk.

SCHEDULE C

BY-LAW NUMBER 688 OF THE TOWNSHIP OF McLEAN

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of McLean to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of McLean for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of McLean, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF McLEAN by its Council enacts as follows:

1. The Municipal Corporation of the Township of McLean doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the westerly side of the Muskoka River on the old Fraserburg Baysville Road at a point where the line between Lots 30 and 29 intersect with a blind line between the 3rd and 4th Concessions of McLean Township, District of Muskoka, Province of Ontario; thence in a southerly direction on the above described road between Lots 30 and 29 in the 3rd Concession to a point on the road allowance between the 3rd and 2nd Concessions; thence along the river road in the 2nd Concession southwesterly across Lots 30, 31 and part of 32; thence south across the 1st Concession on Lots 31 and 32 to the road allowance between the Townships of McLean and Oakley; thence in a westerly direction along the road allowance between McLean and Oakley Townships across Lot 32 to the Bracebridge Purbrook Road at the southwesterly angle of McLean Township."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of McLean shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of McLean against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 25th day of January, A.D. 1946.

NORMAN A. KELLY,
Reeve.

(Seal)

GEO. ELLIS,
Clerk.

SCHEDULE D

BY-LAW NUMBER 405 OF THE TOWNSHIP OF RYDE

A By-law to authorize power transmission lines to be erected by the Town of Orillia.

WHEREAS the Municipal Corporation of the Town of Orillia contemplates the development of a Water Power at Mathiasville, on the Muskoka River, being at Lot 18, Concession 7, in the Township of Draper, and also further Water Power development at Cooks Falls at Lot 28, Concession 3, in the Township of McLean, and at Crozier Chute at Lot 31, Concession 10, in the Township of Oakley, and intends to build, construct and operate Power Houses and other works, plant and equipment for the development of such Water Power and the generation of electrical power and energy thereat; and in connection therewith will require to build, construct and operate electrical power transmission lines in part through the Township of Ryde to connect the proposed developments with the Town of Orillia and with each other.

AND WHEREAS the said Municipal Corporation of the Town of Orillia has applied to the Municipal Corporation of the Township of Draper for its consent to and approval of the construction, erection, maintenance and operation of the said power transmission lines along and upon certain highways of the Township of Draper, and it is expedient to grant such approval and consent.

NOW THEREFORE THE MUNICIPAL CORPORATION OF THE TOWNSHIP OF RYDE by its Council enacts as follows:

1. The Municipal Corporation of the Township of Ryde doth hereby grant its consent and approval to the construction, erection, maintenance and operation of such power transmission line as may be requisite for the purposes above recited, and doth hereby expressly authorize and empower the Municipal Corporation of the Town of Orillia and its servants, contractors, agents or workmen, to construct, erect, maintain and operate such power transmission lines with all poles, wires, guys, anchors, transformers, and other apparatus or equipment requisite for the transmission and distribution of electrical power and energy along and upon the courses and road allowances following:

"Commencing at the Gravenhurst Housey Rapids Road where the road allowance between Draper and Ryde Townships intersect with the side road of Lots 25 and 26, Township of Ryde, District of Muskoka, Province of Ontario; thence southerly along the side road between Lots 25 and 26 in Concessions 13, 12, 11, 10, 9, 8, 7 and 6 to the northeasterly angle of Lot 26, Concession 5; thence in a south-westerly direction along the present road allowance in the 5th Concession across Lots 26, 27 and 28 in the 4th Concession, on Lots 29 and 30 in the 3rd Concession, Lots 29 and 30 of the 2nd Concession, Lot 30 in the 1st Concession to the southwest angle of Ryde Township and the northwest angle of Dalton Township."

The right hereby given shall include the right to erect, maintain and operate upon the same pole line, a telephone line or lines as incidental to the operation of the said power line.

2. No exclusive rights are hereby granted.

3. In so far as it may be necessary to do so in erecting, maintaining, or operating the said power transmission and distribution lines, the right is hereby given the Municipal Corporation of the Town of Orillia and its servants or agents, to trim or cut down such trees as may interfere with the erection or operation of the said lines.

4. The powers and rights herein given may be exercised by the Orillia

Water, Light & Power Commission (representing the said Town of Orillia) or by any Public Utility Commission having the control and operation from time to time of the electrical power works and distribution system of the said Town.

5. All the poles, wires, and other equipment incidental to the said transmission or distribution lines to be constructed or placed upon highways in the Township of Ryde shall be well and safely constructed and maintained, and the construction, erection, maintenance and operation by the said Municipal Corporation of the Town of Orillia is permitted hereunder upon the express condition and provision that the Municipal Corporation of the Town of Orillia shall at all times indemnify and save harmless the Corporation of the Township of Ryde against any actions or claims for damages that may arise out of or be due to the construction, erection, maintenance or operation of the said transmission and distribution lines, or from the exercise of any of the rights herein granted.

Passed this 28th day of January, A.D. 1946.

J. E. CLEMENT,
Reeve.

(Seal)

B. D. SMITH,
Clerk.

SCHEDULE E

BY-LAW NUMBER 1842 OF THE TOWN OF ORILLIA

RESPECTING THE GRANTING OF A BUS FRANCHISE

WHEREAS the Town of Orillia up to date has had no Town bus transportation system operating solely within its Corporated limits.

AND WHEREAS Derlyn K. Valley, hereinafter called the Company, has requested the Corporation to grant to him an exclusive transportation franchise for bus service within the limits of the Town of Orillia, and has agreed that in the event of such franchise being granted to him, he will within six months, after the By-law granting such franchise comes into effect, commence operations as outlined below.

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Orillia as follows:

1. That, subject to the agreements, obligations, terms and conditions hereinafter contained, the Council of the Corporation hereby grant to the Company an exclusive transportation franchise for bus service within the limits of the said Town of Orillia for the term of ten years from and after the date when this By-law takes effect.

2. The Company shall provide a modern and efficient passenger bus transportation system, including everything pertaining to it and its operations and shall at all times during the term of this agreement keep the same in a proper and efficient condition of maintenance and repair so as to give a rapid, sure and efficacious service.

3. The Company shall purchase or obtain for said bus service at least four new modern rear engine buses of the Ford type 29-B or some other make with similar or better specifications which shall at all times be available for said bus service. Of said available buses, at least three are to operate at all times during the currency of this franchise or any extension thereof. The Company shall before operating any buses under the authority of this By-law obtain from the Town of Orillia a license in respect of each bus and shall pay therefor a fee of Ten Dollars per annum. and the Company shall at all times comply with the terms and conditions of any by-law relating to the owners of motor omnibuses thereof (except as otherwise expressly provided herein) which may be passed by the Municipal Council of the Corporation.

4. The Company shall, when this by-law takes effect, assign to the Corporation whatever interest the Company have or may at any time hereafter have in any refund from gasoline tax payable or paid to the Province of Ontario or the Dominion of Canada, and will join in, or make any application for such refund that the Corporation may from time to time request, provided that such application shall be made at the expense of the Corporation.

5. The Company agrees with the Corporation to operate a minimum twenty-minute service on all routes operated and will provide such service between the hours of Six a.m. and Twelve p.m. each day except Sundays and Holidays.

6. The Company will submit to the Corporation within two months of commencing operation a permanent schedule to be approved by the Council of the Corporation. After such schedule has been approved, the Company may not reduce the service provided by the same without the consent of two-thirds of all elected members of the Council.

7. This by-law shall not apply to the operation of motor buses or other vehicles running between any point within the Town of Orillia and

cities, towns and villages, whether incorporated or unincorporated, outside the limits of the said Town of Orillia, so long as such motor buses or other vehicles do not convey passengers from one point within the limits of the Town to another point therein. Provided also that this by-law shall not apply to the operation of motor buses or other vehicles during any and all times that the Company is prevented from regularly operating in accordance with the terms of this by-law, or neglects or fails to regularly operate in accordance with the terms of this by-law all or any motor on all or any of their lines for more than one day, and that this by-law shall not apply at any times to cabs or taxicabs or to vehicles licensed by the Department of Public Highways or vehicles over which the Council of the Corporation has no control.

8. The following fare schedule shall apply to the operation of the bus lines:

Adult tickets—10c cash or four (4) tickets for 25c.

Children tickets—under sixteen years of age—5c cash or eight (8) tickets for 25c.

Infant child in arms and not occupying a seat—free.

Police constables in the employ of the Town of Orillia shall be entitled to ride free when in uniform.

9. Free transfers will be given from one bus to another upon one continuous no stop-over trip within the Town limits on the most direct route where such transfers are necessary to enable passengers to reach their destination.

10. The provisions of *The Arbitration Act* of Ontario or any similar Act at any time substituted for or taking the place of such Act, shall apply, except insofar as varied by the Terms of this Indenture, to any submission to arbitration under the terms hereof; one arbitrator shall be appointed by each party hereto and a third shall be appointed by such arbitrators and if they cannot agree then such third arbitrator shall be appointed by a judge under the provisions of the said Act. Any decision or award made by a majority of such arbitrators shall with reference to matters properly submitted to them under the provisions of this Indenture, be conclusive and binding on the parties hereto.

11. The foregoing rates of fare are based on present day money values with reference to cost factors entering into the operation of said bus system, and when there has been a substantial decrease in the purchasing value of the dollar may be increased from time to time by agreement or if any agreement in respect to any of such matters cannot be reached between the parties then each and all of them shall be determined by arbitration as provided in paragraph 10, provided in such arbitration no increase in such rates shall be awarded except the said arbitrators shall determine that by reason of the substantial decrease in the purchasing value of the dollar such factors have so increased the cost of operation of the said bus system as to be the cause of the Company being unable to operate the same with a reasonable profit, and such increase in such rates shall be adjusted proportionate to the decreased purchasing value of the dollar; and in like manner, if such cost factors are reduced there shall be a corresponding reduction in the rates of fare so as to at all times relate the rates of fare to the cost factors aforesaid prevailing at the date hereof. No arbitrations shall be applied for hereunder by either party less than one (1) year after a former arbitration has been commenced, and any order or award made by a Board of Arbitration under the terms of this paragraph shall be conclusive and binding on the parties hereto until further changed by agreement or arbitration.

12. Upon an application being made by the Company or the Corporation under previous paragraph hereof, the Corporation shall have the right, within thirty days after such application has been made, to have some one appointed at any time, and from time to time, to examine the books of accounts, vouchers, records, documents, balance sheets and all other papers or documents relating to the affairs of the Company, and to

take extracts therefrom, and no further action shall be taken with regard to the application until the said thirty days have expired.

13. In the event of the Company failing or neglecting for the space of thirty days, computed as hereinafter mentioned, to maintain and operate their bus system in substantial conformity with the provisions of this by-law (in reckoning the said days parts of days shall be counted, and seventeen working hours, whether consecutive or not, and whether in the same twenty-four hours or not, shall be counted as one day) the Corporation by resolution of the Council thereof, may declare that all the privileges and rights which the Company have acquired by this or any other by-law heretofore or hereafter passed, or by any agreement with the Corporation heretofore or hereafter made, are at an end, and may repeal the by-laws connected therewith and rescind the agreements relating thereto and the said privileges and rights shall thereupon cease and be at an end accordingly and the said agreements rescinded, or the Corporation may, at their option, from time to time, bring an action or actions in the Supreme Court of Ontario against the Company and all other necessary parties to compel the keeping, observing, performing of and complying with the provisions of this by-law and/or any agreement entered into pursuant thereto, and the Court shall have full power and jurisdiction in the premises to enforce by injunction, mandamus or otherwise the due observance, performance and fulfilment by the Company and its officers and other persons of all the provisions of this by-law in which the residents of the municipality or the Corporation or any other person or corporation are interested.

14. The Company may, if they wish to do so, apply in writing to the Council of the Corporation for a renewal or extension of the franchise granted by this by-law, and such application shall be filed with the Clerk of the Council of the Corporation not later than six months prior to the expiry date of this Agreement, and such renewal or extension may be granted without submitting the question to the municipal electors.

15. The Corporation agrees that it will, at the next municipal election, place before the electors of the Town of Orillia a By-law to grant unto the Company an exclusive ten (10) year franchise for the operation of a bus transportation service in accordance with this Agreement, and in the event of it being necessary that such a by-law be validated, to permit the carrying out and fulfilment of this Agreement, the parties hereto shall join in an Application for such legislation as may be required and the cost thereof shall be borne jointly by the parties hereto.

16. The Company shall have the privilege, notwithstanding anything herein contained, of extending the service to suburban areas at any time during the term of this Agreement and of altering the schedules subject to approval of two-thirds of all the members of the Council, in such manner as to permit the giving of such suburban service providing the service within the Town limits shall not be unduly reduced or disturbed.

17. The Company may from time to time make rules and regulations governing the conduct of passengers on its buses and premises, the payment of fares, use of fare tickets and transfers and other matters pertaining to the relationship between the Company and its passengers or prospective passengers and upon approval thereof by the Municipal Council of the Corporation, such rules and regulations shall form part of this Agreement. A copy of such Rules and Regulations shall be filed with the Corporation forthwith after approval by the Council.

18. Rules and Regulations previously made may be amended from time to time with the approval of the Municipal Council of the said Corporation and amendments so approved shall forthwith be filed with the Corporation.

19. The Corporation shall, on the written request of the Company trim or cut the limbs and branches of trees growing on or near the streets of the routes over which buses are scheduled to travel, and such other places as may be deemed necessary, so that the buses be not scratched or otherwise damaged.

20. The Corporation agrees to take all necessary steps to avoid congestion of traffic and as far as possible to facilitate the free passage of buses upon the streets in order that schedules may be maintained, and the Company agrees to change the place of any bus stop which in the opinion of the Council causes undue traffic congestion upon being notified in writing by the Mayor so to do.

21. The buses operated by the Company under the said Franchise shall stop at such stopping places on the bus routes in order to pick up or let off passengers, as the Company may select and the Municipal Council of the Corporation shall have the right to set aside for the purpose of bus stops, the places selected by the Company and shall designate same by proper signs, and the Company shall pay for the erection and maintenance of same.

22. The Corporation will enact and enforce or cause to be enacted and enforced proper by-laws and regulations to provide bus stops as aforesaid and for keeping such places clear of vehicles and obstructions of any kind.

23. If, at any time, complaint be made to the Corporation as to the condition of the said buses, or any of them, and in the opinion of the Municipal Council, as by its resolution expressed it desires an inspection to be made on which to base representations to the Company as to said conditions, the Engineer of the said Corporation or some other person appointed by Council may inspect the said buses and make such representations to the Company on behalf of the Corporation as to the Engineer or such other person may seem appropriate.

24. No liability shall attach to the Company if it is unable to operate by reason of Acts of God, war conditions or exigencies, weather, strikes, fires, riots or other circumstances beyond its control.

25. The Corporation will not grant or be a party to the granting of any rights to operate any street railway within the Town of Orillia or to operate other means of mass transportation equivalent or similar to the said bus transportation system contemplated hereunder and the term "mass transportation" as herein used shall be deemed to include what is generally known as the "jitney" form of public transportation.

26. At all times during the Franchise period of ten (10) years, the Company shall carry passenger liability insurance in the sum of at least Forty Thousand Dollars (\$40,000.00) in one accident and further insurance against property damage for at least Two Thousand Dollars (\$2,000.00).

27. If at any time the Company wishes to terminate this Franchise, it may do so on six months' written notice to the Corporation, and in such event, all rights and obligations hereunder shall cease. The Company may only so terminate upon proving by independent auditors that it is operating at a loss.

28. In the event of the Company wishing at any time to dispose of this Franchise, it shall give the Corporation six months' notice and the Corporation, or its nominee, shall have the privilege of acquiring it on the same terms and conditions as offered to anyone else.

29. Unless the context otherwise requires, all grants, undertakings, covenants and agreements herein contained shall be deemed to be effective only from the granting of the said bus franchise to the time it is terminated under the terms of this Indenture, and thereafter to the extent necessary to fully effect the termination of same on the terms and conditions in this Indenture set forth, and shall extend to, include, bind and enure to the benefit of the successors and assigns of the respective parties hereto.

30. The Company covenants and agrees to provide proper garage accommodations for any and all buses which it may own or use in providing the service aforesaid and covenants further that it will not at any time allow any buses or vehicles owned or operated by it to be parked or left on public streets when not in use.

31. On the termination of the said Franchise or any renewal or extension thereof other than termination by the Company or by a breach of the terms of this Agreement by the Company, the Town shall have an option to purchase from the Company and pay for, on a valuation basis as a going concern, as for immediate operation by the Town the complete business, plant, land, buildings, equipment, tools and materials (hereinafter referred to as said plant and equipment) owned and used by the Company solely in connection with and for the purpose of the operation and maintenance of the said bus system.

32. In arriving at the amount to be paid by the Corporation for the said plant and equipment as such going concern no consideration shall be had and no allowance shall be made in respect of the value of any right surrendered by the Company or the profit or loss accruing from the operation of said bus system or of its future or prospective earnings, and if said amount cannot be settled by agreement between the parties, same shall be settled by arbitration, as provided in paragraph ten (10) hereof.

33. Any termination of the said franchise or any renewal or extension thereof other than termination by the Company or by breach of the terms of this Agreement by the Company, shall not be effective nor shall said franchise terminate until the amount referred to in this paragraph has been settled between the parties by agreement and the Corporation has entered into a contract with the Company in form satisfactory to the Company to pay the same, with interest at such rate as may be agreed upon, within one (1) year from the date of entering into said contract, or if not so settled by agreement, until such amount is so determined and declared by arbitration as provided in paragraph 10 hereof, which determination and declaration fixing the price payable by the Corporation shall constitute a binding obligation upon the Corporation to make payment to the Company within the year from the date of said determination and declaration together with interest on the said amount from the date of such determination and declaration, at such rate as shall be established by the arbitrators in accordance with current rates of interest, then prevailing and on the Corporation entering into such contract or on such determination and declaration being given by the arbitrators the Company shall transfer and deliver said plant and equipment to the Corporation and the Corporation shall receive and take same over and thereupon such franchise shall terminate.

34. This by-law and the powers and privileges hereby granted shall not take effect or be binding on the Corporation unless and until formally assented to by the Municipal Electors of the said Town of Orillia and confirmed and validated by an Act of the Legislature of the Province of Ontario as hereinbefore provided, which Act shall provide that this by-law shall be valid and binding in the same manner and to the same extent as if set out at length in the said Act, nor unless and until accepted by the Company, within thirty days after this by-law takes effect, by an agreement, which shall legally bind the Company to perform, observe and comply with all the agreements, obligations, terms and conditions herein contained and shall be approved by the Town Solicitor, and such agreement when so approved shall be executed under the seal of the Corporation by the Mayor and Clerk.

Read and passed a First time in Open Council this Sixth day of December, A. D. 1945.

Read and passed a Second time in Open Council this Sixth day of December, A.D. 1945.

F. C. YEO,
Mayor.

(Seal)

H. E. M. PAYNE,
Clerk.

Read a Third time in Open Council and Finally passed this 14th day of January, A.D. 1946.

F. C. YEO,
Mayor.

(Seal)

H. E. M. PAYNE,
Clerk.

An Act respecting the Town of Orillia.

1st Reading

March 22nd, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

Mr. SCOTT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Hamilton.

MR. KNOWLES

(PRIVATE BILL)

No. 30

1946

BILL

An Act respecting the City of Hamilton.

WHEREAS the Corporation of the City of Hamilton has Preamble.
by its petition prayed for special legislation to validate
an agreement between the Hamilton Amateur Athletic Association and the Board of Park Management of the Corporation of the City of Hamilton to transfer the premises of the Association to the Board and to terminate the corporate existence of the Association; and for special legislation in respect of the celebration of the centenary of the incorporation of the City of Hamilton; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The agreement dated the 29th day of September, Park Board —H.A.A.A. agreement validated.
1945, made between the Board of Park Management of the Corporation of the City of Hamilton and the Hamilton Amateur Athletic Association, set out as schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto.

(2) On the delivery of the conveyance referred to in the H.A.A.A. corporate existence terminated.
said agreement the corporate existence of the Hamilton Amateur Athletic Association shall be terminated.

2.—(1) The council of the Corporation of the City of Power to expend \$25,000 for centenary celebration.
Hamilton may appropriate and expend a sum not exceeding \$25,000 out of the current revenues of the Corporation in celebration of the centenary of the incorporation of the City of Hamilton, and may, by resolution, provide that the control and expenditure of the said sum or any part thereof shall be entrusted to and vested in a special committee appointed by the council and composed of such ratepayers or residents of the City as the council may appoint, with power to the committee in the name of the Corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the committee.

Revenues to
be paid to
clerk.

(2) The net revenues derived by the committee from the celebration and any surplus goods or equipment shall be paid over or given to the clerk of the City and such revenues shall form part of the current revenues of the Corporation.

Reserve of
\$15,000.

(3) Notwithstanding the provisions of subsection 1, if the committee expends more than \$25,000 the council may pay additional sums not exceeding \$15,000 out of current revenues, which amount shall be held by the council in reserve for such eventuality.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Hamilton Act, 1946*.



SCHEDULE A

MEMORANDUM OF AGREEMENT made this 29th day of September, 1945.

BETWEEN:

HAMILTON AMATEUR ATHLETIC ASSOCIATION, an existing Corporation organized under the laws of the Province of Ontario, hereinafter called the "Vendor",

OF THE FIRST PART,

—and—

THE BOARD OF PARK MANAGEMENT of the Corporation of the City of Hamilton, hereinafter called the "Purchaser",

OF THE SECOND PART.

WHEREAS the Vendor is the owner of the lands and premises hereinafter described in Schedule "A" hereto, and have used the same for many years for the promotion and maintenance of athletic and other sports.

AND WHEREAS the Purchaser desires to acquire the said lands for the same objects and purposes and for other park and recreational purposes, and the Vendor has agreed to sell and transfer the same to the Purchaser on the terms and conditions hereinafter set forth.

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter contained and the sum of One Dollar paid by the Purchaser to the Vendor, the receipt whereof is hereby acknowledged, the parties hereto do hereby covenant and agree each with the other as follows:

1. The Vendor agrees to convey to the Purchaser at the earliest possible moment and as soon as all legal requirements have been fulfilled the lands and premises described in Schedule "A" hereto.

2. Immediately after the execution of this agreement, the Vendor shall call and hold meetings of directors and shareholders of the Vendor to obtain their approval of this agreement and of any necessary By-laws and resolutions for the carrying out of this agreement, and for the winding up of the Vendor and the surrender of its charter.

3. As part consideration for the conveyance aforesaid, the Purchaser agrees to take up and register a discharge of the existing mortgage on the lands described in Schedule "A" hereto before the delivery of the conveyance contemplated, which said mortgage is from the Vendor to D. R. C. Martin and is dated the 11th day of July, 1940, upon which there is owing for principal the sum of \$7,000.00, together with interest on the said sum at the rate of 6% per annum from the 11th day of January, 1941. The Purchaser further agrees to have this agreement and the conveyance contemplated validated by a Special Act of the Province of Ontario which shall also provide for the termination of the Charter of the Vendor after the shareholders of the Vendor have approved of this agreement.

4. The Vendor shall be relieved of all liability for the payment of all taxes, whether Dominion, Provincial or Municipal, including local improvement taxes, owing or in arrears or accruing up to the date of delivery of the conveyance contemplated and to date of surrender of Vendor's Charter, which said taxes the Purchaser hereby covenants to assume and pay forthwith on delivery aforesaid.

5. The conveyance of the said lands by the Vendor is to be made to the Corporation of the City of Hamilton in the right of the Board of Park Management, and shall contain as a part consideration therefor a covenant that the said lands and premises shall be used in perpetuity for

athletic and other sports, for playing grounds and for other park and recreational purposes by the Board of Park Management, its successors and assigns.

6. The Vendor shall be under no liability to the Purchaser by entering into this agreement until the said agreement and the conveyance contemplated and the termination of the existence of the Vendor has been approved by the shareholders of the Vendor and by the said Special Act.

7. The Purchaser covenants with the Vendor as part of the consideration for the conveyance contemplated that the Purchaser will give to The Hamilton Tiger Football Club a priority in making arrangements to use the lands described in Schedule "A" hereto during the football season in each year for purposes of practice and of playing its games and will likewise give a similar priority to the Hamilton Tennis Club during the tennis season to use on reasonable terms that part of the above described lands and premises now being used by The Hamilton Tennis Club.

8. The Purchaser further agrees on delivery of the said conveyance to pay the account against the Vendor of the Tope Construction Company amounting to \$105.92.

9. It is understood that the conveyance of the said lands does not include any lockers, flood lights, power mower, office furniture, dining-room tables and chairs, gas stove, refrigerator and other chattels which belong to the Hamilton Tiger Football Club and also does not include any chattels or fixtures belonging to The Hamilton Tennis Club.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective corporate seals under the hands of their proper officers.

HAMILTON AMATEUR ATHLETIC ASSOCIATION,

R. H. ISBISTER,
President.

(Seal)

ARGUE MARTIN,
Secretary.

BOARD OF PARK MANAGEMENT,

C. V. LANGS,
Chairman.

(Seal)

C. N. STEWART,
Secretary.

This is Schedule "A" referred to in the agreement between Hamilton Amateur Athletic Association and The Board of Park Management of The Corporation of the City of Hamilton, hereunto annexed.

"All and singular that certain parcel or tract of land and premises situate, lying and being in the said City of Hamilton being composed of part of Park Lot Number Four lying between Bold Street and Charlton Avenue in James Mills Survey more particularly described as follows: COMMENCING at a point on the easterly boundary of said lot four thirty-one feet six inches southerly from the intersection of said easterly boundary with the northerly boundary of Duke Street, thence north seventy degrees forty-five minutes west four hundred and fifty-three feet eight inches more or less to the westerly boundary of said park lot four, thence southerly along the westerly boundary of said park lot four to the north side of Charlton Avenue, thence easterly along the northerly boundary of Charlton Avenue four hundred and fifty-six feet six inches more or less to the easterly boundary of said lot four, thence northerly along the easterly boundary of said lot four to the place of beginning, being all that portion of said park lot four south of the lands now owned by Emma Murriel Henderson.

BILL

An Act respecting the City of Hamilton.

1st Reading

2nd Reading

3rd Reading

MR. KNOWLES

(Private Bill)

No. 30

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Hamilton.

MR. KNOWLES

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Hamilton.

WHEREAS the Corporation of the City of Hamilton has Preamble.
by its petition prayed for special legislation to validate
an agreement between the Hamilton Amateur Athletic Association and the Board of Park Management of the Corporation of the City of Hamilton to transfer the premises of the Association to the Board and to terminate the corporate existence of the Association; and for special legislation in respect of the celebration of the centenary of the incorporation of the City of Hamilton; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The agreement dated the 29th day of September, 1945, made between the Board of Park Management of the Corporation of the City of Hamilton and the Hamilton Amateur Athletic Association, set out as schedule A hereto, is hereby confirmed and declared to be legal, valid and binding upon the parties thereto. Park Board —H.A.A.A. agreement validated.

(2) On the delivery of the conveyance referred to in the said agreement the corporate existence of the Hamilton Amateur Athletic Association shall be terminated. H.A.A.A. corporate existence terminated.

2.—(1) The council of the Corporation of the City of Hamilton may appropriate and expend a sum not exceeding \$25,000 out of the current revenues of the Corporation in celebration of the centenary of the incorporation of the City of Hamilton, and may, by resolution, provide that the control and expenditure of the said sum or any part thereof shall be entrusted to and vested in a special committee appointed by the council and composed of such ratepayers or residents of the City as the council may appoint, with power to the committee in the name of the Corporation to enter into contracts for the granting of concessions and for other matters with respect to the expenditure of such sum as may be entrusted by the council to the committee. Power to expend \$25,000 for centenary celebration.

Revenues to
be paid to
clerk.

(2) The net revenues derived by the committee from the celebration and any surplus goods or equipment shall be paid over or given to the clerk of the City and such revenues shall form part of the current revenues of the Corporation.

Reserve of
\$15,000.

(3) Notwithstanding the provisions of subsection 1, if the committee expends more than \$25,000 the council may pay additional sums not exceeding \$15,000 out of current revenues, which amount shall be held by the council in reserve for such eventuality.

Commence-
ment of Act.

3. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

4. This Act may be cited as *The City of Hamilton Act, 1946*.

SCHEDULE A

MEMORANDUM OF AGREEMENT made this 29th day of September, 1945.

BETWEEN:

HAMILTON AMATEUR ATHLETIC ASSOCIATION, an existing Corporation organized under the laws of the Province of Ontario, hereinafter called the "Vendor",

OF THE FIRST PART,

—and—

THE BOARD OF PARK MANAGEMENT of the Corporation of the City of Hamilton, hereinafter called the "Purchaser",

OF THE SECOND PART.

WHEREAS the Vendor is the owner of the lands and premises hereinafter described in Schedule "A" hereto, and have used the same for many years for the promotion and maintenance of athletic and other sports.

AND WHEREAS the Purchaser desires to acquire the said lands for the same objects and purposes and for other park and recreational purposes, and the Vendor has agreed to sell and transfer the same to the Purchaser on the terms and conditions hereinafter set forth.

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter contained and the sum of One Dollar paid by the Purchaser to the Vendor, the receipt whereof is hereby acknowledged, the parties hereto do hereby covenant and agree each with the other as follows:

1. The Vendor agrees to convey to the Purchaser at the earliest possible moment and as soon as all legal requirements have been fulfilled the lands and premises described in Schedule "A" hereto.

2. Immediately after the execution of this agreement, the Vendor shall call and hold meetings of directors and shareholders of the Vendor to obtain their approval of this agreement and of any necessary By-laws and resolutions for the carrying out of this agreement, and for the winding up of the Vendor and the surrender of its charter.

3. As part consideration for the conveyance aforesaid, the Purchaser agrees to take up and register a discharge of the existing mortgage on the lands described in Schedule "A" hereto before the delivery of the conveyance contemplated, which said mortgage is from the Vendor to D. R. C. Martin and is dated the 11th day of July, 1940, upon which there is owing for principal the sum of \$7,000.00, together with interest on the said sum at the rate of 6% per annum from the 11th day of January, 1941. The Purchaser further agrees to have this agreement and the conveyance contemplated validated by a Special Act of the Province of Ontario which shall also provide for the termination of the Charter of the Vendor after the shareholders of the Vendor have approved of this agreement.

4. The Vendor shall be relieved of all liability for the payment of all taxes, whether Dominion, Provincial or Municipal, including local improvement taxes, owing or in arrears or accruing up to the date of delivery of the conveyance contemplated and to date of surrender of Vendor's Charter, which said taxes the Purchaser hereby covenants to assume and pay forthwith on delivery aforesaid.

5. The conveyance of the said lands by the Vendor is to be made to the Corporation of the City of Hamilton in the right of the Board of Park Management, and shall contain as a part consideration therefor a covenant that the said lands and premises shall be used in perpetuity for

athletic and other sports, for playing grounds and for other park and recreational purposes by the Board of Park Management, its successors and assigns.

6. The Vendor shall be under no liability to the Purchaser by entering into this agreement until the said agreement and the conveyance contemplated and the termination of the existence of the Vendor has been approved by the shareholders of the Vendor and by the said Special Act.

7. The Purchaser covenants with the Vendor as part of the consideration for the conveyance contemplated that the Purchaser will give to The Hamilton Tiger Football Club a priority in making arrangements to use the lands described in Schedule "A" hereto during the football season in each year for purposes of practice and of playing its games and will likewise give a similar priority to the Hamilton Tennis Club during the tennis season to use on reasonable terms that part of the above described lands and premises now being used by The Hamilton Tennis Club.

8. The Purchaser further agrees on delivery of the said conveyance to pay the account against the Vendor of the Tope Construction Company amounting to \$105.92.

9. It is understood that the conveyance of the said lands does not include any lockers, flood lights, power mower, office furniture, dining-room tables and chairs, gas stove, refrigerator and other chattels which belong to the Hamilton Tiger Football Club and also does not include any chattels or fixtures belonging to The Hamilton Tennis Club.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective corporate seals under the hands of their proper officers.

HAMILTON AMATEUR ATHLETIC ASSOCIATION,

R. H. ISBISTER,
President.

(Seal)

ARGUE MARTIN,
Secretary.

BOARD OF PARK MANAGEMENT,

C. V. LANGS,
Chairman.

(Seal)

C. N. STEWART,
Secretary.

This is Schedule "A" referred to in the agreement between Hamilton Amateur Athletic Association and The Board of Park Management of The Corporation of the City of Hamilton, hereunto annexed.

"All and singular that certain parcel or tract of land and premises situate, lying and being in the said City of Hamilton being composed of part of Park Lot Number Four lying between Bold Street and Charlton Avenue in James Mills Survey more particularly described as follows: COMMENCING at a point on the easterly boundary of said lot four thirty-one feet six inches southerly from the intersection of said easterly boundary with the northerly boundary of Duke Street, thence north seventy degrees forty-five minutes west four hundred and fifty-three feet eight inches more or less to the westerly boundary of said park lot four, thence southerly along the westerly boundary of said park lot four to the north side of Charlton Avenue, thence easterly along the northerly boundary of Charlton Avenue four hundred and fifty-six feet six inches more or less to the easterly boundary of said lot four, thence northerly along the easterly boundary of said lot four to the place of beginning, being all that portion of said park lot four south of the lands now owned by Emma Muriel Henderson.



BILL

An Act respecting the City of Hamilton.

1st Reading

March 19th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. KNOWLES

No. 31

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Windsor.

MR. GRIESINGER

(PRIVATE BILL)

BILL

An Act respecting the City of Windsor.

WHEREAS the Corporation of the City of Windsor and the Windsor Utilities Commission have by their petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

(a) "City" shall mean The Corporation of the City of Windsor; and "City."

(b) "Council" shall mean the council of the City. "Council."

PART I—MISCELLANEOUS.

2. *The Veterans Housing Act, 1945*, shall be deemed to have had effect on and after the 20th day of June, 1944, with respect to the agreement then made between the City, His Majesty the King in right of Canada and Wartime Housing Limited, and shall be deemed to have authorized the Council from and after the said date to enter into agreements fixing the amount of money to be paid annually in lieu of taxes that would otherwise be payable in respect of the real property of Wartime Housing Limited or His Majesty in right of Canada, upon such terms and conditions and for such period of time as the Council may deem proper; provided that such amount shall not be less than \$24 in respect to each two-bedroom house and \$30 in respect to each more than two-bedroom house; and provided further that section 2 of the said Act shall apply to houses or housing accommodation erected within the City or pursuant to any such agreement. Wartime Housing Limited Agreements.
1945, 2nd Sess., c. 13.

3. Subsection 1 of section 4 of *The City of Windsor Act, 1932*, is repealed and the following substituted therefor: 1932, c. 95,
s. 4, subs. 1,
re-enacted.

Right of
redemption.

- (1) The owner of or any person appearing by the records of the registry office or the Sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered, may redeem the same at any time within one year after the date of registration of the certificate by paying to the corporation the amount set forth in such certificate in respect of the land to be redeemed, and all penalties and interest on unpaid taxes included in such certificate which would have accrued against the land if it had remained the property of the former owner, together with the amount of all expenses incurred by the corporation and the treasurer in connection with the registration of the certificate and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 3, and also by paying to the corporation all taxes, including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Registered
tax arrears
certificates
confirmed.

4.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1945, that purports to have been registered pursuant to *The City of Windsor Act, 1932*, and that is now outstanding and the registration thereof are confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting by each such registration the land therein described in the City, its successors or assigns in fee simple, clear of and free from all other estate, right, title or interest.

Registered
redemption
certificates
confirmed.

(2) Every redemption certificate registered prior to the 1st day of January, 1945 and purporting to have been registered pursuant to *The City of Windsor Act, 1932*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect

of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

(3) Every vacating certificate registered prior to the 1st day of January, 1945 and purporting to have been registered pursuant to section 47 of *The Department of Municipal Affairs Act* with respect to lands acquired by The Corporation of the City of Windsor under section 3 of *The City of Windsor Act, 1932*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

Registered
vacating
certificates
confirmed.
Rev. Stat.,
c. 59.

(4) Nothing in this section shall affect or prejudice any right of any person in any action, litigation or other proceeding now pending; and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed.

Pending
litigation
not
affected.

(5) Nothing in this section shall affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which a tax arrears certificate has been registered.

Saving as to
rights of
Crown.

5. The Council may pass by-laws for prohibiting or regulating the sale or display or offering for sale by retail of any goods, wares or merchandise in the highways or on vacant lots adjacent to the highways within the City, or within defined areas therein.

Prohibiting
or
regulating
vending in
streets, etc.

6. The City may from time to time set aside and rent for periods not exceeding one year, and at rentals fixed by the Council, spaces in the municipal market building or in the highways or lands of the City adjacent thereto, and may prescribe the method of allotting such spaces and of collection of fees or rents therefor.

Rental of
market
spaces.

7. The Council may pass by-laws providing that the owner of a motor vehicle shall incur the penalties provided for any violation of any by-law for regulating traffic on the highways which has been submitted to and approved by the Department of Highways pursuant to *The Highway Traffic Act*.

Liability of
owners for
violation of
traffic
by-laws.
Rev. Stat.,
c. 288.

8. The Council may pass by-laws for increasing the pension of employees now or hereafter entitled to pension under the

Increased
employees
pensions.

terms of any municipal employees pension plan to an amount not exceeding \$30 monthly, until such employee reaches the age entitling him to an old age pension under the *Old Age Pensions Act* (Canada) and any amendment thereto.

R.S.C. 156.

1935,
c. 74, s. 15,
repealed.

9.—(1) Section 15 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed.

Appointment
of Board of
Health.

(2) Notwithstanding the repeal of the said section, the local board of health for the City appointed for the year 1946 by the Windsor Utilities Commission shall continue in office and shall have all the powers and duties of a local board of health established under the provisions of *The Public Health Act* until their successors are appointed by the Council.

Rev. Stat.,
c. 299.

Isolation
hospital.

10. The Metropolitan Isolation Hospital shall hereafter be known and described as "The Fred Adams Hospital" and section 49 of *The Public Health Act* shall apply thereto.

Board of
Health
employees
pensions.

11. Notwithstanding the provisions of section 9 of this Act, the employees of the local board of health who, at the date of transfer, are insured in respect of service annuities, income annuities, death, disability or other benefits, in any agreement heretofore made pursuant to *The Power Commission Insurance Act*, shall be deemed to be employees of the Windsor Utilities Commission for the purposes of any such agreement, so long as the terms and conditions thereof affecting such employees are complied with.

Rev. Stat.,
c. 67.

PART II—METROPOLITAN GENERAL HOSPITAL

Metropolitan
Hospital
to be known
as Metro-
politan
General
Hospital.

12. The Metropolitan Hospital heretofore established in the city shall hereafter be known and described as the Metropolitan General Hospital and the local board of health shall, notwithstanding the provisions of section 9 of this Act, continue to have and exercise the management and control and maintenance of the hospital until the 1st day of July, 1946.

Constitution
of Board of
Governors.

13.—(1) From and after the 1st day of July, 1946, the management, control and maintenance of the hospital, and the custody of all property, real and personal, belonging to or used in connection therewith shall be vested in a board of not less than ten and not more than twelve governors to be composed of the Mayor of the City and the Warden of the County of Essex as governors *ex officio*, one of the Judges of the County of Essex to be appointed by the Council, one to be elected annually by the Metropolitan General Hospital Aid Society, one to be appointed by Messrs. Hiram H. and Harrington E. Walker, four to be appointed by the Council from the resident ratepayers of the City of which two shall be designated to



represent organized labour, and one to be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act*. Rev. Stat., c. 390.

(2) All governors, other than the Mayor and Warden, shall remain in office until their successors are appointed or elected and any governor whose term of office has expired shall be eligible for re-appointment or re-election. Term of office.

(3) The term of office of the five governors appointed by the Council shall in the first instance be regulated as follows: Idem. the County Judge and one other member designated by the Council shall hold office until the end of the year 1948; two of such governors designated in like manner shall hold office until the end of the year 1947 and one governor shall hold office until the end of the year 1946, and the Council shall thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto who shall hold office for a term of three years.

(4) The term of office of the governor appointed by the Metropolitan General Hospital Aid Society shall expire at the end of the year for which such appointment is made, and any governors elected by benefactors and subscribers as hereinafter provided, shall hold office until the end of the year for which they are elected, and until the election of their successors. Idem.

(5) The Council shall, after the passing of this Act and not later than the 1st day of June, 1946, make all its appointments to the first Board of Governors, and the Board shall then be deemed to be duly constituted notwithstanding any delay in the election or appointment of the remaining members thereof, and after the year 1946 all appointments to the Board shall be made in the month of January in each year. Appointment, time of.

(6) Any member of the Board of Governors appointed by the Council who is absent from four successive regular meetings of the Board, shall cease to be a member thereof, unless he shall have obtained leave of absence from the Council. Absence from meetings.

(7) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office. Vacancies.

(8) Six members shall constitute a quorum of the Board of Governors. Quorum.

Additional
governors.

(9) The Board of Governors may by by-law from time to time provide for the election of not more than two additional persons as members of the Board by benefactors of and subscribers to the funds of the hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election.

Board of
Governors
constituted
a cor-
poration.

14. The Board of Governors shall be a body corporate and politic under the name of "The Metropolitan General Hospital".

Board of
Governors—
powers and
duties.

15.—(1) The Board of Governors shall have control over, and the custody of all property, both real and personal, belonging to or used in connection with the hospital and may from time to time purchase supplies, engage and pay officers, servants and workmen and make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for the purposes of the hospital, but no such purchase of supplies, contract, agreement or expenditure shall be made or entered into unless funds shall be available for such purpose either from the monies appropriated by the Council or from the proceeds of any grants, gifts, devises or other assets of the Board.

Right to
recover
charges, etc.

(2) The Board of Governors shall be entitled to recover from any person liable therefor the charges fixed by the Board for treatment in the hospital, and all other claims, accounts and choses in action arising from its operation of the hospital and the exercise of the powers conferred by this Act, including without limiting the generality of the foregoing, all sums due to the hospital from municipal corporations under *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Borrowing
powers.

(3) The Board of Governors may from time to time borrow for the purposes of the general maintenance of the hospital a sum not to exceed \$5,000 at any one time.

Gifts.

(4) The Board of Governors shall be capable of receiving, taking and holding from any person or body corporate, by grant, gift, devise or otherwise, any land or interest in land without license in mortmain, and any personal property for the use, support and purposes of the hospital, and all persons and municipal corporations shall have full and unrestricted right and power to give, grant and bequeath to the Board any land or interest therein, and any personal property, for such use, support or purpose.

Reserves.

(5) The Board of Governors shall have power to establish and maintain out of the funds or revenues under its control, special reserves for the renewal or replacement of hospital



supplies or equipment or other hospital purposes; provided that the amount and purposes of such reserves shall be approved by the Inspector designated under *The Public Hospitals Act*.

16. All gifts, trusts, bequests, devises and grants of real or personal property, or the income or proceeds thereof heretofore or hereafter expressed by any person in his deed or will to be made, given or conveyed to the Metropolitan Hospital or the Metropolitan General Hospital, or to any body or board having the control or management of the hospital, or given for the purposes thereof, shall be construed as though the same had been expressed to be made to the Board of Governors established by this Act and shall be paid over, granted or conveyed by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will to the Board, whose receipt shall be a sufficient discharge thereof, and the Board shall have power to establish such special trust funds or accounts as may be required to carry into effect the specific terms of any such gift, trust, bequest, devise or grant.

Gifts, trusts, etc., confirmed.

17.—(1) The Board of Governors shall, on or before the 1st day of March in each year, prepare and certify to the Council, for its consideration, an estimate of the revenues and expenditures proposed to be made in connection with the hospital during the year.

Annual estimates.

(2) The Council shall, in each year, assess and levy by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the Council, provided that such rate shall not exceed the limit fixed by subsection 1 of section 315 of *The Municipal Act*.

Special rate to be levied.

(3) Nothing contained in subsections (1) and (2) shall relieve the City from any liability under *The Public Hospitals Act*.

Rev. Stat., c. 266.

Rev. Stat., c. 390 applicable.

18.—(1) The City auditor shall audit annually, and at such other times as he may be directed by the Council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the Council on or before the 1st day of March in each year a report, showing the revenue and expenditures made by or on behalf of the hospital during the preceding year, and the assets and liabilities of the hospital.

Audit.

(2) The auditor shall report to the Council upon any expenditures made by the Board of Governors contrary to law or the provisions of this Act.

Idem.

Idem.

(3) The auditor shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital.

By-laws
and regu-
lations.

19. Subject to the approval of the Lieutenant-Governor in Council, the Board of Governors may pass by-laws and make regulations for the management of the hospital.

Power to
transfer
hospital
property to
Board of
Governors.

20.—(1) The City, the Windsor Utilities Commission and any other municipal corporation, commission, board or body in whom now is vested any real or personal property held, maintained, kept or used for the purposes of the hospital, are and each of them is hereby authorized and empowered to assign, transfer, grant and convey the same to the Board of Governors, its successors or assigns, or to any other corporation or association hereafter established for the purpose of operating the hospital, and all such assignments, grants or conveyances may be made absolutely or upon such terms, conditions or trusts as may be agreed upon.

Property
to be
transferred.

(2) On or before the 1st day of July, 1946, the Windsor Utilities Commission and the local board of health of the city shall cause to be transferred, paid, delivered and assigned to the Board of Governors, all personal property, including all cash on hand and in banks, accounts receivable, books of account and all securities and investments held by them or either of them for the purposes of the hospital.

PART III—PLANNING.

Definitions.

21. In this Part,—

"Municipal
Board."

(a) "Municipal Board" shall mean Ontario Municipal Board;

"Commis-
sion."

(b) "Commission" shall mean Windsor City Planning Commission or any planning board, commission or body hereafter established for the city pursuant to any statute of general application;

"Official
plan."

(c) "official plan" shall mean a plan or program designed to guide and regulate the physical development of the city or any part thereof and to secure its orderly growth and improvement over a period of years and may include a comprehensive zoning system controlling the use of lands, buildings and structures and providing minimum standards of buildings and building sites, provisions for the prevention of premature subdivisions and the sale or transfer of



unsubdivided land, provisions for location and width of streets and other ways of communication, the location of sites for public works, and such improvements, housing and slum clearance projects, parks, playgrounds, recreational areas, air ports, harbour facilities and other developments as may be deemed advisable, so that the component parts of the future physical structure of the city shall bear proper functional relationship to one another and provide a distribution of population calculated to produce desirable living conditions and the efficient arrangement of public utilities and municipal services; and

- (d) "Minister" shall mean the Minister of Planning and Development.

22. The appointment of the Windsor City Planning Commission heretofore made by the Council with the consent of the Windsor Utilities Commission is hereby ratified and confirmed and the Commission shall continue in office and shall have and exercise in and for the City all the powers and duties of a planning board or commission established under *The Planning and Development Act* or any similar statute of general application providing for the establishment of municipal planning authorities until replaced by a new board or commission pursuant to any such statute and all appropriations of funds for the expenses of the Commission heretofore made by the Council are hereby validated and confirmed.

Windsor
Planning
Commission
appointment
confirmed.
Rev. Stat.,
c. 270.

23. The proposed official plan of the City prepared by the Commission, when finally revised and recommended to the Council for adoption, may be adopted wholly or in part by the Council and may before or after adoption be amended by the Council with the approval of the Commission, but failing such approval amendments may be made only on a two-thirds affirmative vote of the Council.

Adoption of
official
plan.

24. The proposed official plan, following its adoption by the Council, shall be submitted by the City to the Minister for his approval and when so approved shall be the official plan for the city, and shall govern the policy to be followed by the Council in determining matters related to the future growth and development of the city.

Approval of
Minister
required.

25. Notwithstanding the preceding section, all by-laws of the city authorized by section 406 of *The Municipal Act* shall continue to require the approval of the Municipal Board, but from and after the passing of this Act no such by-law shall be passed unless in conformity with the official plan as amended from time to time.

Existing
legislation
continued.
Rev. Stat.,
c. 266.

Amend-
ments and
additions to
official plan.

26. Following approval of the official plan all proposed amendments thereof or additions thereto may be adopted by the Council upon the recommendation of the Commission, and failing such recommendation on a two-thirds affirmative vote of the Council and shall, in either case, require the approval of the Minister.

Contents of
official
plan.

27. It shall not be necessary for the official plan to contain all of the features referred to in clause c of section 21 of this Act, but any plan or program, whether described in maps, plans, statements, reports or recommendations and covering any one or more of the said features, shall, when adopted and approved in the manner hereinbefore set forth, be deemed for all purposes the existing official plan of the city.

By-laws
and legis-
lation to
conform.

28. When the official plan is in effect the Council, the Board of Commissioners of Police, the local board of health and all other bodies and boards having legislative licensing and regulatory powers in the city shall adopt such by-laws and amendments to by-laws and do such other acts and things as may be required to make the general and licensing legislation within its jurisdiction conform with the official plan or any amendment thereof.

Public
works, etc.,
to conform.

29. When the official plan is in effect no public work, improvement, housing or other project, whether of the City or any local board thereof, which is in conflict with the official plan, shall be undertaken, and no lands vested in the City or in any local board may be used except in conformity with the official plan or any amendment thereof.

Remedy for
violation.

30. Where any act is done or proposed to be done by any person or by the City or any local board thereof which is contrary to the official plan or the provisions of any by-law conforming therewith, in addition to any other remedy provided by law and to any penalty imposed by law, the said act may be restrained by action at the instance of the City, the Commission or any ratepayer of the city.

Zoning
appeal
board.

31.—(1) The Council may pass by-laws authorizing the Commission or any official or board of appeals appointed for the purpose to hear and determine appeals in matters arising from the administration of any zoning or restricted area by-law which is in conformity with the official plan, and may authorize such official or board of appeals to permit such deviations from the requirements of any such by-laws as are consistent with their general intent and objects and necessary to prevent undue hardship and to permit the reasonable and proper development of any lands or premises, but may not so authorize any repeal or amendment of any such by-law.





(2) The Council may pass by-laws prescribing the procedure ^{Procedure.} to be followed in such appeals and providing for the remuneration of such board or official in such amounts as the Council may think proper.

32.—(1) The Municipal Board on the application of the ^{Powers of Municipal Board extended.} City or of any municipality within or partly within the urban or special zone adjacent to the city heretofore or hereafter defined or designated pursuant to *The Planning and Development Act* or other like statute of general application, may ^{Rev. Stat., c. 270.} require any other municipality within or partly within such zone to enact such by-laws and to do such acts and things as may be reasonably necessary to provide for the adequate planning and zoning of adjacent areas in conformity with any existing plan or zoning or restricted area by-laws in force in the city or municipality making such application.

(2) No such order shall be made except upon such notice ^{Notice.} to the municipality or municipalities concerned as the Municipal Board may deem necessary, and the provisions of *The Ontario Municipal Board Act* shall apply to such applications ^{Rev. Stat., c. 60.} and orders.

(3) Upon or prior to the hearing of such application the ^{Payment of expenses.} Municipal Board shall have power to order that the expenses necessary and incidental to the proper planning or zoning of such area shall be paid either by the applicant municipality or apportioned between any two or more municipalities in such manner as the Municipal Board may determine, and any municipality affected shall have power to pay such expenses in accordance with any such order.

33. The Council may, in conformity with the official plan, ^{Non-conforming uses.} by by-law prohibit or regulate the extension, renewal or alteration of any uses of land, buildings or structures within the city which have become non-conforming uses upon the passing of any by-law authorized by section 406 of *The Municipal Act*, and subsections 3 to 10 of the said section 406 shall apply to any by-law passed under the authority of this section.

34. Sections 24 and 25, section 26 as amended by section ^{1929, c. 98, ss. 24 to 28, repealed.} 3 of *The Essex Border Utilities Act, 1931*, and sections 27 and 28 of *The Consolidated Essex Border Utilities Act, 1929*, are hereby repealed.

35. This Act shall come into force on the day upon which ^{Commencement of Act.} it receives the Royal Assent.

36. This Act may be cited as *The City of Windsor Act*, ^{Short title.} 1946.

BILL

An Act respecting the City of Windsor.

1st Reading

2nd Reading

3rd Reading

MR. GRIESINGER

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Windsor.

MR. GRIESINGER

(Reprinted as amended by the Committee on Private Bills.)

BILL

An Act respecting the City of Windsor.

WHEREAS the Corporation of the City of Windsor and the Windsor Utilities Commission have by their petition prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

(a) "City" shall mean The Corporation of the City of Windsor; and "City."

(b) "Council" shall mean the council of the City.

"Council."

PART I—MISCELLANEOUS.

2.—(1) Section 3 of *The City of Windsor Act, 1932*, is amended by adding thereto the following subsection: 1932, c. 95, s. 3, amended.

(6) The powers conferred by this section shall terminate on the 1st day of April, 1946. Termination of powers.

(2) Subsection 1 of section 4 of the said Act is repealed and the following substituted therefor: 1932, c. 95, s. 4, subs. 1, re-enacted.

(1) The owner of or any person appearing by the records of the registry office or the Sheriff's office to have an interest in any vacant land or improved land in respect of which a tax arrears certificate has been registered, may redeem the same at any time within one year after the date of registration of the certificate by paying to the corporation the amount set forth in such certificate in respect of the land to be redeemed, and all penalties and interest on unpaid taxes included in such certificate which would Right of redemption.

have accrued against the land if it had remained the property of the former owner, together with the amount of all expenses incurred by the corporation and the treasurer in connection with the registration of the certificate and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 3, and also by paying to the corporation all taxes, including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Registered
tax arrears
certificates
confirmed.

3.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1945, that purports to have been registered pursuant to *The City of Windsor Act, 1932*, and that is now outstanding and the registration thereof are confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting by each such registration the land therein described in the City, its successors or assigns in fee simple, clear of and free from all other estate, right, title or interest.

Registered
redemption
certificates
confirmed.

(2) Every redemption certificate registered prior to the 1st day of January, 1945 and purporting to have been registered pursuant to *The City of Windsor Act, 1932*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered
vacating
certificates
confirmed.

Rev. Stat.,
c. 59.

(3) Every vacating certificate registered prior to the 1st day of January, 1945 and purporting to have been registered pursuant to section 47 of *The Department of Municipal Affairs Act* with respect to lands acquired by The Corporation of the

City of Windsor under section 3 of *The City of Windsor Act, 1932*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

(4) Nothing in this section shall affect or prejudice any right of any person in any action, litigation or other proceeding now pending; and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed. Pending litigation not affected.

(5) Nothing in this section shall affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which a tax arrears certificate has been registered. Saving as to rights of Crown.

4. The Council may pass by-laws for prohibiting or regulating the sale or display or offering for sale by retail of any goods, wares or merchandise in the highways or on vacant lots adjacent to the highways within the City, or within defined areas therein. Prohibiting or regulating vending in streets, etc.

5. The City may from time to time set aside and rent for periods not exceeding one year, and at rentals fixed by the Council, spaces in the municipal market building or in the highways or lands of the City adjacent thereto, and may prescribe the method of allotting such spaces and of collection of fees or rents therefor. Rental of market spaces.

6.—(1) Section 15 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed. 1935, c. 74, s. 15, repealed.

(2) Notwithstanding the repeal of the said section, the local board of health for the City appointed for the year 1946 by the Windsor Utilities Commission shall continue in office and shall have all the powers and duties of a local board of health established under the provisions of *The Public Health Act* until their successors are appointed by the Council. Appointment of Board of Health. Rev. Stat., c. 299.

7. The Metropolitan Isolation Hospital shall hereafter be known and described as "The Fred Adams Hospital" and section 49 of *The Public Health Act* shall apply thereto. Isolation hospital.

8. Notwithstanding the provisions of section 9 of this Act, the employees of the local board of health who, at the date of transfer, are insured in respect of service annuities, income annuities, death, disability or other benefits, in any Board of Health employees' pensions.

Rev. Stat.,
c. 67. agreement heretofore made pursuant to *The Power Commission Insurance Act*, shall be deemed to be employees of the Windsor Utilities Commission for the purposes of any such agreement, so long as the terms and conditions thereof affecting such employees are complied with.

PART II—METROPOLITAN GENERAL HOSPITAL

Metropoli-
tan Hospital
to be known
as Metro-
politan
General
Hospital. **9.** The Metropolitan Hospital heretofore established in the city shall hereafter be known and described as the Metropolitan General Hospital and the local board of health shall, notwithstanding the provisions of section 9 of this Act, continue to have and exercise the management and control and maintenance of the hospital until the 1st day of July, 1946.

Constitution
of Board of
Governors. **10.—(1)** From and after the 1st day of July, 1946, the management, control and maintenance of the hospital, and the custody of all property, real and personal, belonging to or used in connection therewith shall be vested in a board of not less than ten and not more than twelve governors to be composed of the Mayor of the City and the Warden of the County of Essex as governors *ex officio*, one of the Judges of the County of Essex to be appointed by the Council, one to be elected annually by the Metropolitan General Hospital Aid Society, one to be appointed by Messrs. Hiram H. and Harrington E. Walker, four to be appointed by the Council from the resident ratepayers of the City of which two shall be designated to represent organized labour, and one to be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Term of
office.

(2) All governors, other than the Mayor and Warden, shall remain in office until their successors are appointed or elected and any governor whose term of office has expired shall be eligible for re-appointment or re-election.

Idem.

(3) The term of office of the five governors appointed by the Council shall in the first instance be regulated as follows: the County Judge and one other member designated by the Council shall hold office until the end of the year 1948; two of such governors designated in like manner shall hold office until the end of the year 1947 and one governor shall hold office until the end of the year 1946, and the Council shall thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto who shall hold office for a term of three years.

Idem.

(4) The term of office of the governor appointed by the Metropolitan General Hospital Aid Society shall expire at the



end of the year for which such appointment is made, and any governors elected by benefactors and subscribers as herein-after provided, shall hold office until the end of the year for which they are elected, and until the election of their successors.

(5) The Council shall, after the passing of this Act and not later than the 1st day of June, 1946, make all its appointments to the first Board of Governors, and the Board shall then be deemed to be duly constituted notwithstanding any delay in the election or appointment of the remaining members thereof, and after the year 1946 all appointments to the Board shall be made in the month of January in each year. ^{Appointment, time of.}

(6) Any member of the Board of Governors appointed by the Council who is absent from four successive regular meetings of the Board, shall cease to be a member thereof, unless he shall have obtained leave of absence from the Council. ^{Absence from meetings.}

(7) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office. ^{Vacancies.}

(8) Six members shall constitute a quorum of the Board of Governors. ^{Quorum.}

(9) The Board of Governors may by by-law from time to time provide for the election of not more than two additional persons as members of the Board by benefactors of and subscribers to the funds of the hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election. ^{Additional governors.}

11. The Board of Governors shall be a body corporate and politic under the name of "The Metropolitan General Hospital". ^{Board of Governors constituted a corporation.}

12.—(1) The Board of Governors shall have control over, and the custody of all property, both real and personal, belonging to or used in connection with the hospital and may from time to time purchase supplies, engage and pay officers, servants and workmen and make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for the purposes of the hospital, but no such purchase of supplies, contract, agreement or expenditure shall be made or entered into unless funds shall be available for such purpose either from the monies appropriated by the ^{Board of Governors—powers and duties.}

Council or from the proceeds of any grants, gifts, devises or other assets of the Board.

Right to
recover
charges, etc.

(2) The Board of Governors shall be entitled to recover from any person liable therefor the charges fixed by the Board for treatment in the hospital, and all other claims, accounts and choses in action arising from its operation of the hospital and the exercise of the powers conferred by this Act, including without limiting the generality of the foregoing, all sums due to the hospital from municipal corporations under *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Borrowing
powers.

(3) The Board of Governors may from time to time borrow for the purposes of the general maintenance of the hospital a sum not to exceed \$5,000 at any one time.

Gifts.

(4) The Board of Governors shall be capable of receiving, taking and holding from any person or body corporate, by grant, gift, devise or otherwise, any land or interest in land without license in mortmain, and any personal property for the use, support and purposes of the hospital, and all persons and municipal corporations shall have full and unrestricted right and power to give, grant and bequeath to the Board any land or interest therein, and any personal property, for such use, support or purpose.

Reserves.

(5) The Board of Governors shall have power to establish and maintain out of the funds or revenues under its control, special reserves for the renewal or replacement of hospital supplies or equipment or other hospital purposes; provided that the amount and purposes of such reserves shall be approved by the Inspector designated under *The Public Hospitals Act*.

Gifts,
trusts, etc.,
confirmed.

13. All gifts, trusts, bequests, devises and grants of real or personal property, or the income or proceeds thereof heretofore or hereafter expressed by any person in his deed or will to be made, given or conveyed to the Metropolitan Hospital or the Metropolitan General Hospital, or to any body or board having the control or management of the hospital, or given for the purposes thereof, shall be construed as though the same had been expressed to be made to the Board of Governors established by this Act and shall be paid over, granted or conveyed by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will to the Board, whose receipt shall be a sufficient discharge thereof, and the Board shall have power to establish such special trust funds or accounts as may be required to carry into effect the specific terms of any such gift, trust, bequest, devise or grant.

14.—(1) The Board of Governors shall, on or before the 1st day of March in each year, prepare and certify to the Council, for its consideration, an estimate of the revenues and expenditures proposed to be made in connection with the hospital during the year. Annual estimates.

(2) The Council shall, in each year, assess and levy by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the Council, provided that such rate shall not exceed the limit fixed by subsection 1 of section 315 of *The Municipal Act*. Special rate to be levied. Rev. Stat., c. 266.

(3) Nothing contained in subsections (1) and (2) shall relieve the City from any liability under *The Public Hospitals Act*. Rev. Stat., c. 390 applicable.

15.—(1) The City auditor shall audit annually, and at such other times as he may be directed by the Council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the Council on or before the 1st day of March in each year a report, showing the revenue and expenditures made by or on behalf of the hospital during the preceding year, and the assets and liabilities of the hospital. Audit.

(2) The auditor shall report to the Council upon any expenditures made by the Board of Governors contrary to law or the provisions of this Act. Idem.

(3) The auditor shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital. Idem.

16. Subject to the approval of the Lieutenant-Governor in Council, the Board of Governors may pass by-laws and make regulations for the management of the hospital. By-laws and regulations.

17.—(1) The City, the Windsor Utilities Commission and any other municipal corporation, commission, board or body in whom now is vested any real or personal property held, maintained, kept or used for the purposes of the hospital, are and each of them is hereby authorized and empowered to assign, transfer, grant and convey the same to the Board of Governors, its successors or assigns, or to any other corporation or association hereafter established for the purpose of operating the hospital, and all such assignments, grants or conveyances may be made absolutely or upon such terms, conditions or trusts as may be agreed upon. Power to transfer hospital property to Board of Governors.

Property
to be
transferred.

(2) On or before the 1st day of July, 1946, the Windsor Utilities Commission and the local board of health of the city shall cause to be transferred, paid, delivered and assigned to the Board of Governors, all personal property, including all cash on hand and in banks, accounts receivable, books of account and all securities and investments held by them or either of them for the purposes of the hospital.

PART III—PLANNING.

Planning
Commission
appropriations
validated.

18. All appropriations of funds heretofore made by the Council for the expenses of the Windsor City Planning Commission appointed by the Council with the consent of the Windsor Utilities Commission are hereby validated and confirmed.

1929, c. 98,
ss. 24 to 28,
repealed.

19. Sections 24 and 25, section 26 as amended by section 3 of *The Essex Border Utilities Act, 1931*, and sections 27 and 28 of *The Consolidated Essex Border Utilities Act, 1929*, are hereby repealed.

Commence-
ment of Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

21. This Act may be cited as *The City of Windsor Act, 1946*.

BILL

An Act respecting the City of Windsor.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. GRIESINGER

*(Reprinted as amended by the Committee on
Private Bills.)*

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Windsor.

MR. GRIESINGER



BILL

An Act respecting the City of Windsor.

WHEREAS the Corporation of the City of Windsor and Preamble.
the Windsor Utilities Commission have by their petition
prayed for special legislation in respect of the several matters
hereinafter set forth; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and
consent of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

Interpreta-
tion,—

(a) "City" shall mean The Corporation of the City of "City."
Windsor; and

(b) "Council" shall mean the council of the City.

"Council."

PART I—MISCELLANEOUS.

2.—(1) Section 3 of *The City of Windsor Act, 1932*, is 1932,
c. 95, s. 3,
amended.
amended by adding thereto the following subsection:

(6) The powers conferred by this section shall terminate Termination
of powers.
on the 1st day of April, 1946.

(2) Subsection 1 of section 4 of the said Act is repealed 1932, c. 95,
s. 4, subs. 1,
re-enacted.
and the following substituted therefor:

(1) The owner of or any person appearing by the Right of
redemption.
records of the registry office or the Sheriff's office to
have an interest in any vacant land or improved
land in respect of which a tax arrears certificate has
been registered, may redeem the same at any time
within one year after the date of registration of the
certificate by paying to the corporation the amount
set forth in such certificate in respect of the land
to be redeemed, and all penalties and interest on
unpaid taxes included in such certificate which would

have accrued against the land if it had remained the property of the former owner, together with the amount of all expenses incurred by the corporation and the treasurer in connection with the registration of the certificate and for searches and postage and \$1 for each certificate and for each notice sent under subsection 4 of section 3, and also by paying to the corporation all taxes, including the local improvement rates and interest thereon which would have accrued against the land if it had remained the property of the former owner and had been liable for ordinary taxation and if the value thereof is not shown upon the assessment roll, such taxes shall be computed at the rate fixed by by-law for each year for which such taxes are payable upon the value placed thereon upon the assessment roll for the last preceding year in which it was assessed and the local improvement rates shall be computed at the rate fixed in the by-law by which the same were rated or imposed upon the frontage as shown upon the list of properties and the frontages thereof as settled by the court of revision for such local improvement, and a certificate of the treasurer as to the total amount payable in order to redeem the land shall be final and conclusive.

Registered
tax arrears
certificates
confirmed.

3.—(1) Every tax arrears certificate that was registered prior to the 1st day of January, 1945, that purports to have been registered pursuant to *The City of Windsor Act, 1932*, and that is now outstanding and the registration thereof are confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting by each such registration the land therein described in the City, its successors or assigns in fee simple, clear of and free from all other estate, right, title or interest.

Registered
redemption
certificates
confirmed.

(2) Every redemption certificate registered prior to the 1st day of January, 1945 and purporting to have been registered pursuant to *The City of Windsor Act, 1932*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title or interest in the land described therein, and of cancelling the tax arrears certificate registered with respect to such land.

Registered
vacating
certificates
confirmed.

Rev. Stat.,
c. 59.

(3) Every vacating certificate registered prior to the 1st day of January, 1945 and purporting to have been registered pursuant to section 47 of *The Department of Municipal Affairs Act* with respect to lands acquired by The Corporation of the

City of Windsor under section 3 of *The City of Windsor Act, 1932*, and the registration thereof, are hereby confirmed and declared to be legal, valid and binding, and shall be deemed to have had the effect of vesting in the registered owner at the time of registration of the tax arrears certificate, his heirs or assigns, his original estate, right, title and interest in the land described therein.

(4) Nothing in this section shall affect or prejudice any right of any person in any action, litigation or other proceeding now pending; and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this Act had not been passed. Pending litigation not affected.

(5) Nothing in this section shall affect or defeat the Crown with respect to its interest in any land which, or any interest in which, has been sold for taxes, or against which, or any interest in which a tax arrears certificate has been registered. Saving as to rights of Crown.

4. The Council may pass by-laws for prohibiting or regulating the sale or display or offering for sale by retail of any goods, wares or merchandise in the highways or on vacant lots adjacent to the highways within the City, or within defined areas therein. Prohibiting or regulating vending in streets, etc.

5. The City may from time to time set aside and rent for periods not exceeding one year, and at rentals fixed by the Council, spaces in the municipal market building or in the highways or lands of the City adjacent thereto, and may prescribe the method of allotting such spaces and of collection of fees or rents therefor. Rental of market spaces.

6.—(1) Section 15 of *The City of Windsor (Amalgamation) Act, 1935*, is repealed. 1935, c. 74, s. 15, repealed.

(2) Notwithstanding the repeal of the said section, the local board of health for the City appointed for the year 1946 by the Windsor Utilities Commission shall continue in office and shall have all the powers and duties of a local board of health established under the provisions of *The Public Health Act* until their successors are appointed by the Council. Appointment of Board of Health. Rev. Stat., c. 299.

7. The Metropolitan Isolation Hospital shall hereafter be known and described as "The Fred Adams Hospital" and section 49 of *The Public Health Act* shall apply thereto. Isolation hospital.

8. Notwithstanding the provisions of section 9 of this Act, the employees of the local board of health who, at the date of transfer, are insured in respect of service annuities, income annuities, death, disability or other benefits, in any Board of Health employees pensions.

Rev. Stat.,
c. 67.

agreement heretofore made pursuant to *The Power Commission Insurance Act*, shall be deemed to be employees of the Windsor Utilities Commission for the purposes of any such agreement, so long as the terms and conditions thereof affecting such employees are complied with.

PART II—METROPOLITAN GENERAL HOSPITAL

Metropoli-
tan Hospital
to be known
as Metro-
politan
General
Hospital.

9. The Metropolitan Hospital heretofore established in the city shall hereafter be known and described as the Metropolitan General Hospital and the local board of health shall, notwithstanding the provisions of section 9 of this Act, continue to have and exercise the management and control and maintenance of the hospital until the 1st day of July, 1946.

Constitution
of Board of
Governors.

10.—(1) From and after the 1st day of July, 1946, the management, control and maintenance of the hospital, and the custody of all property, real and personal, belonging to or used in connection therewith shall be vested in a board of not less than ten and not more than twelve governors to be composed of the Mayor of the City and the Warden of the County of Essex as governors *ex officio*, one of the Judges of the County of Essex to be appointed by the Council, one to be elected annually by the Metropolitan General Hospital Aid Society, one to be appointed by Messrs. Hiram H. and Harrington E. Walker, four to be appointed by the Council from the resident ratepayers of the City of which two shall be designated to represent organized labour, and one to be appointed in accordance with the regulations made pursuant to *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Term of
office.

(2) All governors, other than the Mayor and Warden, shall remain in office until their successors are appointed or elected and any governor whose term of office has expired shall be eligible for re-appointment or re-election.

Idem.

(3) The term of office of the five governors appointed by the Council shall in the first instance be regulated as follows: the County Judge and one other member designated by the Council shall hold office until the end of the year 1948; two of such governors designated in like manner shall hold office until the end of the year 1947 and one governor shall hold office until the end of the year 1946, and the Council shall thereafter, so often as the office of a governor becomes vacant, appoint a successor thereto who shall hold office for a term of three years.

Idem.

(4) The term of office of the governor appointed by the Metropolitan General Hospital Aid Society shall expire at the

end of the year for which such appointment is made, and any governors elected by benefactors and subscribers as herein-after provided, shall hold office until the end of the year for which they are elected, and until the election of their successors.

(5) The Council shall, after the passing of this Act and not later than the 1st day of June, 1946, make all its appointments to the first Board of Governors, and the Board shall then be deemed to be duly constituted notwithstanding any delay in the election or appointment of the remaining members thereof, and after the year 1946 all appointments to the Board shall be made in the month of January in each year. ^{Appointment, time of.}

(6) Any member of the Board of Governors appointed by the Council who is absent from four successive regular meetings of the Board, shall cease to be a member thereof, unless he shall have obtained leave of absence from the Council. ^{Absence from meetings.}

(7) Whenever, from any cause, the office of a governor becomes vacant, a successor shall be appointed or elected as the case may be, without unnecessary delay, and the person so appointed or elected shall hold office for the remainder of the term of the governor who vacated his office. ^{Vacancies.}

(8) Six members shall constitute a quorum of the Board of Governors. ^{Quorum.}

(9) The Board of Governors may by by-law from time to time provide for the election of not more than two additional persons as members of the Board by benefactors of and subscribers to the funds of the hospital, and the Board may prescribe the qualifications of such benefactors and subscribers, and the time, place and procedure of their meetings to be held for the purpose of such election. ^{Additional governors.}

11. The Board of Governors shall be a body corporate and politic under the name of "The Metropolitan General Hospital". ^{Board of Governors constituted a corporation.}

12.—(1) The Board of Governors shall have control over, and the custody of all property, both real and personal, belonging to or used in connection with the hospital and may from time to time purchase supplies, engage and pay officers, servants and workmen and make all such expenditures and enter into all such contracts and agreements as may be necessary or convenient for the purposes of the hospital, but no such purchase of supplies, contract, agreement or expenditure shall be made or entered into unless funds shall be available for such purpose either from the monies appropriated by the ^{Board of Governors—powers and duties.}

Council or from the proceeds of any grants, gifts, devises or other assets of the Board.

Right to
recover
charges, etc.

(2) The Board of Governors shall be entitled to recover from any person liable therefor the charges fixed by the Board for treatment in the hospital, and all other claims, accounts and choses in action arising from its operation of the hospital and the exercise of the powers conferred by this Act, including without limiting the generality of the foregoing, all sums due to the hospital from municipal corporations under *The Public Hospitals Act*.

Rev. Stat.,
c. 390.

Borrowing
powers.

(3) The Board of Governors may from time to time borrow for the purposes of the general maintenance of the hospital a sum not to exceed \$5,000 at any one time.

Gifts.

(4) The Board of Governors shall be capable of receiving, taking and holding from any person or body corporate, by grant, gift, devise or otherwise, any land or interest in land without license in mortmain, and any personal property for the use, support and purposes of the hospital, and all persons and municipal corporations shall have full and unrestricted right and power to give, grant and bequeath to the Board any land or interest therein, and any personal property, for such use, support or purpose.

Reserves.

(5) The Board of Governors shall have power to establish and maintain out of the funds or revenues under its control, special reserves for the renewal or replacement of hospital supplies or equipment or other hospital purposes; provided that the amount and purposes of such reserves shall be approved by the Inspector designated under *The Public Hospitals Act*.

Gifts,
trusts, etc.,
confirmed.

13. All gifts, trusts, bequests, devises and grants of real or personal property, or the income or proceeds thereof heretofore or hereafter expressed by any person in his deed or will to be made, given or conveyed to the Metropolitan Hospital or the Metropolitan General Hospital, or to any body or board having the control or management of the hospital, or given for the purposes thereof, shall be construed as though the same had been expressed to be made to the Board of Governors established by this Act and shall be paid over, granted or conveyed by the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed or will to the Board, whose receipt shall be a sufficient discharge thereof, and the Board shall have power to establish such special trust funds or accounts as may be required to carry into effect the specific terms of any such gift, trust, bequest, devise or grant.

14.—(1) The Board of Governors shall, on or before the 1st day of March in each year, prepare and certify to the Council, for its consideration, an estimate of the revenues and expenditures proposed to be made in connection with the hospital during the year. Annual estimates.

(2) The Council shall, in each year, assess and levy by a special rate on the whole rateable property within the municipality, a sum sufficient to provide for such of the expenditures set out in the estimates as are approved by the Council, provided that such rate shall not exceed the limit fixed by subsection 1 of section 315 of *The Municipal Act*. Special rate to be levied.
Rev. Stat., c. 266.

(3) Nothing contained in subsections (1) and (2) shall relieve the City from any liability under *The Public Hospitals Act*. Rev. Stat., c. 390 applicable.

15.—(1) The City auditor shall audit annually, and at such other times as he may be directed by the Council, the books of account and the expenditures and revenue of the hospital, and he shall prepare and submit to the Council on or before the 1st day of March in each year a report, showing the revenue and expenditures made by or on behalf of the hospital during the preceding year, and the assets and liabilities of the hospital. Audit.

(2) The auditor shall report to the Council upon any expenditures made by the Board of Governors contrary to law or the provisions of this Act. Idem.

(3) The auditor shall supervise and determine, from time to time, the methods of bookkeeping and accounting to be employed in connection with the hospital. Idem.

16. Subject to the approval of the Lieutenant-Governor in Council, the Board of Governors may pass by-laws and make regulations for the management of the hospital. By-laws and regulations.

17.—(1) The City, the Windsor Utilities Commission and any other municipal corporation, commission, board or body in whom now is vested any real or personal property held, maintained, kept or used for the purposes of the hospital, are and each of them is hereby authorized and empowered to assign, transfer, grant and convey the same to the Board of Governors, its successors or assigns, or to any other corporation or association hereafter established for the purpose of operating the hospital, and all such assignments, grants or conveyances may be made absolutely or upon such terms, conditions or trusts as may be agreed upon. Power to transfer hospital property to Board of Governors.

Property
to be
transferred.

(2) On or before the 1st day of July, 1946, the Windsor Utilities Commission and the local board of health of the city shall cause to be transferred, paid, delivered and assigned to the Board of Governors, all personal property, including all cash on hand and in banks, accounts receivable, books of account and all securities and investments held by them or either of them for the purposes of the hospital.

PART III—PLANNING.

Planning
Commission
appropriations
validated.

18. All appropriations of funds heretofore made by the Council for the expenses of the Windsor City Planning Commission appointed by the Council with the consent of the Windsor Utilities Commission are hereby validated and confirmed.

1929, c. 98,
ss. 24 to 28,
repealed.

19. Sections 24 and 25, section 26 as amended by section 3 of *The Essex Border Utilities Act, 1931*, and sections 27 and 28 of *The Consolidated Essex Border Utilities Act, 1929*, are hereby repealed.

Commence-
ment of Act.

20. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

21. This Act may be cited as *The City of Windsor Act, 1946*.

BILL

An Act respecting the City of Windsor.

1st Reading

March 19th, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. GRIESINGER

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Niagara.

MR. LEWIS

(PRIVATE BILL)

BILL

An Act respecting the Township of Niagara.

WHEREAS the Corporation of the Township of Niagara Preamble.
has by its petition prayed for special legislation providing for the method of assessing the cost and for establishing water rates and service charges in respect of its proposed Niagara Township Waterworks System; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation of the Township of Niagara may, under the provisions of *The Local Improvement Act*, pass by-laws for defining an area and for the construction of waterworks and the laying of mains and the installing of meters and other apparatus to distribute a supply of water to the inhabitants in the said area to be known as the Niagara Township Waterworks System. Waterworks System. Rev. Stat., c. 269.

2. The said council may, in such by-laws, provide that such part of the total cost thereof, including that part which would otherwise be the Corporation's portion, as to the council may seem proper shall be assessed on a frontage basis and that the remainder shall be assessed on the rateable property in the area. Assessment of cost.

3. The said council may, in such by-laws, provide that the maximum assessable frontage of any property in the area, for the purposes of such by-laws, shall be limited to 600 feet. Maximum assessable frontage.

4. The said council may from time to time, by by-law, extend the said area and lay mains and instal meters and other appliances to connect with the said waterworks system upon petition, pursuant to the provisions of *The Local Improvement Act*, of the property owners in such proposed extended area and upon the said area being so extended may provide, by by-law, that such part of the original cost of the Extensions to system.

said waterworks system, as to the council may seem proper, shall be assessed against the properties in the said extended area.

Service
charge.

Rev. Stat.,
c. 286.

5. The said council may, in addition to any water rates established for the said area, pursuant to the provisions of *The Public Utilities Act*, make and levy a service charge against each dwelling or water taker in the area and any extension thereof.

Exemptions
and
reductions.

6. The said council may, in procuring the special assessment roll, to be made pursuant to the provisions of *The Local Improvement Act*, provide, subject to appeal to the court of revision and to the county judge under the said Act, for such exemptions of lands fronting or abutting on the said waterworks system as to the council may seem proper and may also reduce the rateable assessment, on such special assessment roll, of any property in the area, and any extension thereof, so as to make an equitable adjustment of any rate levied on the rateable assessment of the properties in the area, having regard to the maximum possible benefit to any such property, and the court of revision and county judge, in any appeal against the said special assessment roll, shall have regard to the provisions of this Act.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Township of Niagara Act, 1946*.





BILL

An Act respecting the Township of
Niagara.

1st Reading

March 22nd, 1946

2nd Reading

3rd Reading

MR. LEWIS

(*Private Bill*)

No. 32

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Niagara.

MR. LEWIS

BILL

An Act respecting the Township of Niagara.

WHEREAS the Corporation of the Township of Niagara Preamble.
has by its petition prayed for special legislation providing for the method of assessing the cost and for establishing water rates and service charges in respect of its proposed Niagara Township Waterworks System; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation of the Township of Niagara may, under the provisions of *The Local Improvement Act*, pass by-laws for defining an area and for the construction of waterworks and the laying of mains and the installing of meters and other apparatus to distribute a supply of water to the inhabitants in the said area to be known as the Niagara Township Waterworks System. Waterworks System. Rev. Stat., c. 269.

2. The said council may, in such by-laws, provide that such part of the total cost thereof, including that part which would otherwise be the Corporation's portion, as to the council may seem proper shall be assessed on a frontage basis and that the remainder shall be assessed on the rateable property in the area. Assessment of cost.

3. The said council may, in such by-laws, provide that the maximum assessable frontage of any property in the area, for the purposes of such by-laws, shall be limited to 600 feet. Maximum assessable frontage.

4. The said council may from time to time, by by-law, extend the said area and lay mains and instal meters and other appliances to connect with the said waterworks system upon petition, pursuant to the provisions of *The Local Improvement Act*, of the property owners in such proposed extended area and upon the said area being so extended may provide, by by-law, that such part of the original cost of the Extensions to system.

said waterworks system, as to the council may seem proper, shall be assessed against the properties in the said extended area.

Service
charge.

Rev. Stat.,
c. 286.

5. The said council may, in addition to any water rates established for the said area, pursuant to the provisions of *The Public Utilities Act*, make and levy a service charge against each dwelling or water taker in the area and any extension thereof.

Exemptions
and
reductions.

6. The said council may, in procuring the special assessment roll, to be made pursuant to the provisions of *The Local Improvement Act*, provide, subject to appeal to the court of revision and to the county judge under the said Act, for such exemptions of lands fronting or abutting on the said waterworks system as to the council may seem proper and may also reduce the rateable assessment, on such special assessment roll, of any property in the area, and any extension thereof, so as to make an equitable adjustment of any rate levied on the rateable assessment of the properties in the area, having regard to the maximum possible benefit to any such property, and the court of revision and county judge, in any appeal against the said special assessment roll, shall have regard to the provisions of this Act.

Commence-
ment of Act.

7. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Township of Niagara Act, 1946*.







BILL

An Act respecting the Township of
Niagara.

1st Reading

March 22nd, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. LEWIS

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Thorold.

MR. LEWIS

(PRIVATE BILL)

BILL

An Act respecting the Township of Thorold.

WHEREAS The Corporation of the Township of Thorold Preamble.
has by its petition prayed for special legislation with
respect to annexation; and whereas it is expedient to grant
the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, the Township or any part thereof shall not be annexed to any adjoining municipality, nor shall any part thereof be incorporated as a municipality separate and apart from the Township without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with *The Municipal Act*. No annexation, etc., without assent of electors. Rev. Stat., c. 266, 1939, c. 30.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Township of Thorold Act*, Short title.
1946.

An Act respecting the Township of
Thorold.

1st Reading

2nd Reading

3rd Reading

MR. LEWIS

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Thorold.

MR. LEWIS

(Reprinted as amended by the Committee on Private Bills.)



BILL

An Act respecting the Township of Thorold.

WHEREAS The Corporation of the Township of Thorold Preamble.
has by its petition prayed for special legislation with
respect to its area; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. No part of the Township of Thorold shall be incorporated No incorporation of part of Township.
as a municipality separate and apart from the Township
without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with *The Municipal Act*.

2. This Act shall come into force on the day upon which Commencement of Act.
it receives the Royal Assent.

3. This Act may be cited as *The Township of Thorold Act*, Short title.
1946.

BILL
An Act respecting the Township of
Thorold.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. LEWIS

(Reprinted as amended by the Committee on
Private Bills.)

No. 33

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Thorold.

MR. LEWIS

BILL

An Act respecting the Township of Thorold.

WHEREAS The Corporation of the Township of Thorold Preamble.
has by its petition prayed for special legislation with
respect to its area; and whereas it is expedient to grant the
prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. No part of the Township of Thorold shall be incorporated as a municipality separate and apart from the Township without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with *The Municipal Act*. No incorporation of part of Township.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Township of Thorold Act*, Short title.
1946.

BILL

An Act respecting the Township of
Thorold.

1st Reading

March 19th, 1946

2nd Reading

April 1st, 1946

3rd Reading

April 5th, 1946

MR. LEWIS

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting The Ontario Music Teachers' Association.

MR. MARTIN
(Haldimand-Norfolk)

(PRIVATE BILL)

BILL

An Act respecting The Ontario Music Teachers' Association.

WHEREAS The Ontario Music Teachers' Association ^{Preamble.} has by its petition prayed that an Act of the Assembly be passed for the purpose of incorporating the same a body corporate and politic under the name "The Ontario Registered Music Teachers' Association" with the right to hold real and personal property and to pass by-laws governing the management of its property, the government and discipline of its members and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The Association.

1. The members of The Ontario Music Teachers' Association and such other persons as may hereafter become members of the Association are hereby constituted a body corporate and politic under the name "The Ontario Registered Music Teachers' Association", herein referred to as the "Association". ^{Incorporation.}

2.—(1) The Association may acquire and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require. ^{Power to hold real and personal property.}

(2) All fees, fines and penalties receivable or recoverable under this Act shall belong to and be the property of the Association. ^{Fees, fines, etc.}

3. The Association may pass by-laws not inconsistent with this Act for: ^{By-laws.}

(a) the government and discipline of its members;

(b) the management of its property;.

- (c) the setting up and keeping of a register of its members and the admission of members, including the admission of duly qualified persons who have presented degrees, diplomas or certificates of proficiency from approved institutions for the training of teachers of music, or who have, in lieu thereof, passed such examinations as may be prescribed under the authority of this Act and met satisfactorily such other tests as may be so prescribed;
- (d) the recognition and affiliation with the Association of local societies or associations composed of members of the Association on such terms as may be specified in the by-laws;
- (e) such other purposes as may be necessary for the management and operation of the Association and the conduct of its affairs.

The Council.

Composition
and election.

4.—(1) The affairs of the Association shall be under the management of a Council composed of nine members who shall be elected for such term and in such manner as the by-laws may provide.

Voting.

(2) The election of the Council and all other questions voted on at a meeting of the Association shall be decided by a plurality of the votes of the members present and entitled to vote; or in such other manner as may be provided by the by-laws.

Term of
office.

5. The members of the Council shall remain in office for the period fixed by the by-laws of the Association and shall continue in office until their successors are elected.

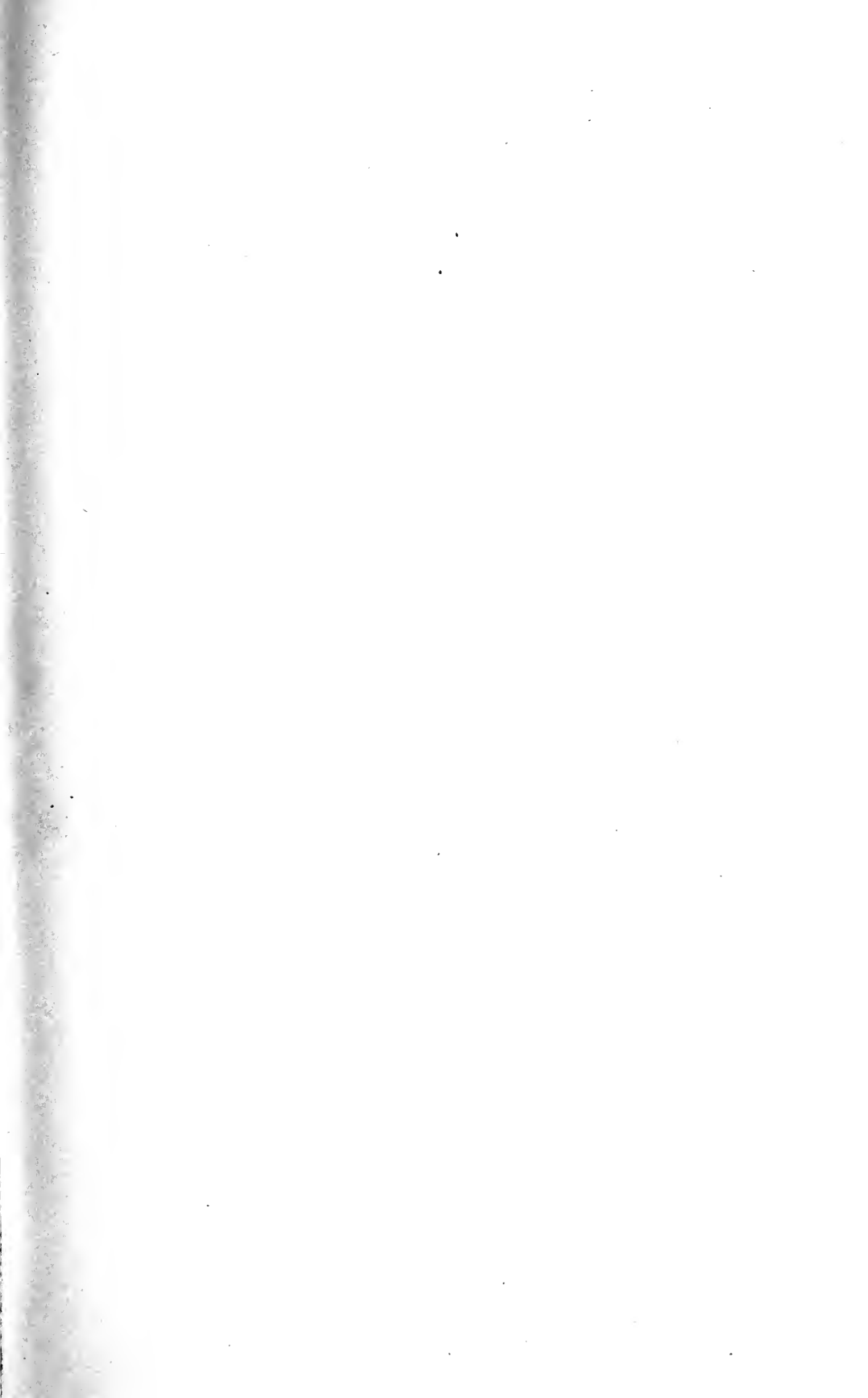
Vacancies.

6. In case of a vacancy in the Council through the resignation or death of a member, or otherwise, the remaining members may fill the vacancy in such manner as the by-laws may provide.

By-laws,
rules and
regulations.

7.—(1) The Council may make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Association, its management, government, aims, objects and interests, including:

- (a) registration of members and the issue of registration certificates;
- (b) the appointment, functions, duties and removal of



employees or servants of the Association, and their remuneration;

- (c) the time at which and place where the annual meeting of the Association shall be held;
- (d) the amount of and method of collecting the registration fee and the annual fee to be paid by members;
- (e) the suspension and expulsion of members and removal of names of expelled members from the register;
- (f) the examination of applicants for registration;
- (g) the constitution of committees and a board of examiners and prescribing the duties thereof; and
- (h) the conduct in all other particulars of the affairs of the Association.

(2) Such by-laws, rules and regulations, unless confirmed by a general meeting of the Association duly called for the purpose, shall have force only until the next annual meeting following their approval, and in default of confirmation thereat shall be null and void.

Officers.

8. The officers of the Association shall be such as are determined by the by-laws of the Association and shall be elected by the Council from among its members, except that a secretary, a treasurer, and a registrar or a secretary-treasurer and a registrar may be appointed by the Council from outside the membership of the Association. Election and appointment.

Membership.

9.—(1) All persons of good character resident in Ontario who on the day upon which this Act comes into force are in good standing as members of The Ontario Music Teachers' Association or any affiliated local society or association shall be admitted to the register and shall constitute the membership of the Association. Qualifications.

(2) Except as provided in subsection 1, no person shall be entitled to be registered as a member of the Association unless he or she,

- (a) is over eighteen years of age;
- (b) has resided in Ontario for at least six months immediately prior to making application for membership;

- (c) holds a diploma equivalent to at least that of the associate or licentiate grade issued by the Toronto Conservatory of Music; the McGill University Conservatorium of Music; Western Board of Music; Western Ontario Conservatory of Music; any one of the Royal Schools of Music, London, England; Associated Board of the Royal Schools of Music, London, England; Trinity College, London, England; the Canadian College of Organists; or any university or school of music recommended by the Council of the Association and approved in such manner as the by-laws may prescribe; or
- (d) has been teaching music in a professional capacity and under conditions satisfactory to the board of examiners for at least two years, or has passed such tests and examinations and satisfied such conditions as to teaching experience as may be required by the board of examiners.

(3) Applications for registration shall be made in writing to the Association and shall be accompanied by the registration fee fixed by the by-laws or regulations of the Association.

Examining
Board.

10. All examinations, tests, recognition of certificates and diplomas and matters pertaining thereto shall be conducted and determined by the board of examiners subject to such approval as the by-laws may prescribe.

Miscellaneous.

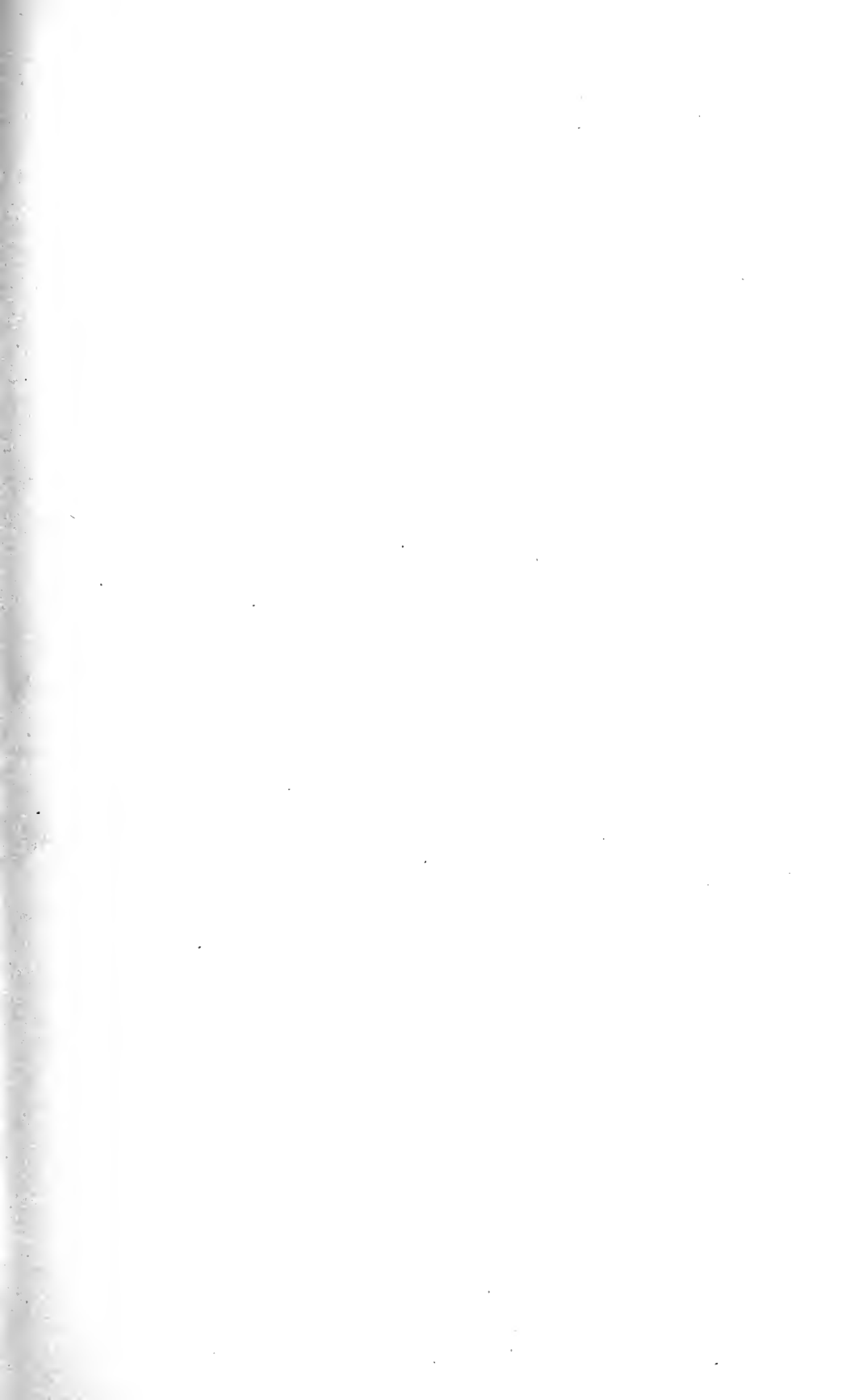
Use of
designation.

11. Every person registered under this Act shall, so long as his or her name remains on the register, be entitled to use the designation "Registered Music Teacher" or the abbreviation "R.M.T." and any unregistered person who assumes such designation or title or uses the abbreviation "R.M.T." or in any manner represents that he or she is a registered music teacher, or who by false or fraudulent declaration or statement attempts to procure registration under this Act, shall be guilty of an offence and liable to a penalty not exceeding \$25 for each offence recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Continuity
of office
and of
by-laws,
rules and
regulations.

12. The Council of The Ontario Music Teachers' Association as constituted on the day upon which this Act comes into force and all officers of that Association shall continue in office until the first general meeting of the Association, and all by-laws, rules and regulations of The Ontario Music Teachers' Association shall, except in so far as the same are inconsistent with this Act, continue in full force and effect



until repealed, amended, modified or replaced by by-laws, rules or regulations made under this Act.

13. This Act shall come into force on the day upon which ^{Commence-}
it receives the Royal Assent. ^{ment of Act.}

14. This Act may be cited as *The Ontario Registered Music* ^{Short title.}
Teachers' Association Act, 1946.

BILL

An Act respecting The Ontario Music
Teachers' Association.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. MARTIN
(Haldimand-Norfolk)

(Private Bill)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting The Ontario Music Teachers' Association.

MR. MARTIN
(Haldimand-Norfolk)

BILL

An Act respecting The Ontario Music Teachers' Association.

WHEREAS The Ontario Music Teachers' Association ^{Preamble.} has by its petition prayed that an Act of the Assembly be passed for the purpose of incorporating the same a body corporate and politic under the name "The Ontario Registered Music Teachers' Association" with the right to hold real and personal property and to pass by-laws governing the management of its property, the government and discipline of its members and for other purposes; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

The Association.

1. The members of The Ontario Music Teachers' Associa- ^{Incorporation.} tion and such other persons as may hereafter become members of the Association are hereby constituted a body corporate and politic under the name "The Ontario Registered Music Teachers' Association", herein referred to as the "Association".

2.—(1) The Association may acquire and hold real and personal property for its purposes and alienate, exchange, lease, mortgage or otherwise dispose of the same or any part thereof as occasion may require. ^{Power to hold real and personal property.}

(2) All fees, fines and penalties receivable or recoverable ^{Fees, fines, etc.} under this Act shall belong to and be the property of the Association.

3. The Association may pass by-laws not inconsistent ^{By-laws.} with this Act for:

(a) the government and discipline of its members;

(b) the management of its property;

- (c) the setting up and keeping of a register of its members and the admission of members, including the admission of duly qualified persons who have presented degrees, diplomas or certificates of proficiency from approved institutions for the training of teachers of music, or who have, in lieu thereof, passed such examinations as may be prescribed under the authority of this Act and met satisfactorily such other tests as may be so prescribed;
- (d) the recognition and affiliation with the Association of local societies or associations composed of members of the Association on such terms as may be specified in the by-laws;
- (e) such other purposes as may be necessary for the management and operation of the Association and the conduct of its affairs.

The Council.

Composition and election.

4.—(1) The affairs of the Association shall be under the management of a Council composed of nine members who shall be elected for such term and in such manner as the by-laws may provide.

Voting.

(2) The election of the Council and all other questions voted on at a meeting of the Association shall be decided by a plurality of the votes of the members present and entitled to vote; or in such other manner as may be provided by the by-laws.

Term of office.

5. The members of the Council shall remain in office for the period fixed by the by-laws of the Association and shall continue in office until their successors are elected.

Vacancies.

6. In case of a vacancy in the Council through the resignation or death of a member, or otherwise, the remaining members may fill the vacancy in such manner as the by-laws may provide.

By-laws, rules and regulations.

7.—(1) The Council may make by-laws, rules and regulations, not contrary to law or to the provisions of this Act, for all purposes relating to the affairs, business and property of the Association, its management, government, aims, objects and interests, including:

- (a) registration of members and the issue of registration certificates;
- (b) the appointment, functions, duties and removal of

employees or servants of the Association, and their remuneration;

- (c) the time at which and place where the annual meeting of the Association shall be held;
- (d) the amount of and method of collecting the registration fee and the annual fee to be paid by members;
- (e) the suspension and expulsion of members and removal of names of expelled members from the register;
- (f) the examination of applicants for registration;
- (g) the constitution of committees and a board of examiners and prescribing the duties thereof; and
- (h) the conduct in all other particulars of the affairs of the Association.

(2) Such by-laws, rules and regulations, unless confirmed by a general meeting of the Association duly called for the purpose, shall have force only until the next annual meeting following their approval, and in default of confirmation thereat shall be null and void.

Officers.

8. The officers of the Association shall be such as are ^{Election and appointment.} determined by the by-laws of the Association and shall be elected by the Council from among its members, except that a secretary, a treasurer, and a registrar or a secretary-treasurer and a registrar may be appointed by the Council from outside the membership of the Association.

Membership.

9.—(1) All persons of good character resident in Ontario ^{Qualifications.} who on the day upon which this Act comes into force are in good standing as members of The Ontario Music Teachers' Association or any affiliated local society or association shall be admitted to the register and shall constitute the membership of the Association.

(2) Except as provided in subsection 1, no person shall be entitled to be registered as a member of the Association unless he or she,

- (a) is over eighteen years of age;
- (b) has resided in Ontario for at least six months immediately prior to making application for membership;

- (c) holds a diploma equivalent to at least that of the associate or licentiate grade issued by the Toronto Conservatory of Music; the McGill University Conservatorium of Music; Western Board of Music; Western Ontario Conservatory of Music; any one of the Royal Schools of Music, London, England; Associated Board of the Royal Schools of Music, London, England; Trinity College, London, England; the Canadian College of Organists; or any university or school of music recommended by the Council of the Association and approved in such manner as the by-laws may prescribe; or
- (d) has been teaching music in a professional capacity and under conditions satisfactory to the board of examiners for at least two years, or has passed such tests and examinations and satisfied such conditions as to teaching experience as may be required by the board of examiners.

(3) Applications for registration shall be made in writing to the Association and shall be accompanied by the registration fee fixed by the by-laws or regulations of the Association.

Examining
Board.

10. All examinations, tests, recognition of certificates and diplomas and matters pertaining thereto shall be conducted and determined by the board of examiners subject to such approval as the by-laws may prescribe.

Miscellaneous.

Use of
designation.

11. Every person registered under this Act shall, so long as his or her name remains on the register, be entitled to use the designation "Registered Music Teacher" or the abbreviation "R.M.T." and any unregistered person who assumes such designation or title or uses the abbreviation "R.M.T." or in any manner represents that he or she is a registered music teacher, or who by false or fraudulent declaration or statement attempts to procure registration under this Act, shall be guilty of an offence and liable to a penalty not exceeding \$25 for each offence recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Continuity
of office
and of
by-laws,
rules and
regulations.

12. The Council of The Ontario Music Teachers' Association as constituted on the day upon which this Act comes into force and all officers of that Association shall continue in office until the first general meeting of the Association, and all by-laws, rules and regulations of The Ontario Music Teachers' Association shall, except in so far as the same are inconsistent with this Act, continue in full force and effect

until repealed, amended, modified or replaced by by-laws, rules or regulations made under this Act.

13. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. ^{ment of Act.}

14. This Act may be cited as *The Ontario Registered Music* ^{Short title.}
Teachers' Association Act, 1946.

An Act respecting The Ontario Music
Teachers' Association.

1st Reading

March 6th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 5th, 1946

MR. MARTIN

(*Haldimand-Norfolk*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of London.

MR. PATRICK

(PRIVATE BILL)

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London has Preamble.
by its petition prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between the Corporation of the Housing
agreement
validated.
City of London and His Majesty, the King, in right of Canada and Wartime Housing Limited, set forth as schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the rate-payers thereof, and the said Corporation is hereby authorized and empowered to carry out its obligations and to enjoy its rights and powers and privileges under the terms of the said agreement, provided that nothing in this section or in the said agreement shall limit or affect any rights of the said Corporation with respect to personal charges for health services.

2. Notwithstanding the provisions of section 70 of *The Ontario Municipal Board Act* the Corporation of the City of Nurses'
residence,
Victoria
Hospital.
Rev. Stat.,
c. 60.
London is hereby authorized and empowered to undertake and provide for needed accommodation at the nurses' residence at Victoria Hospital, London, and to expend therefor the sum of \$100,000 to be raised by including the sum of \$25,000 in the yearly rate for taxes in each of the years 1945, 1946, 1947 and 1948, and such undertaking and expenditure and such yearly rate are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

3.—(1) Section 2 of the Act intituled *An Act to incorporate the Western Fair Association*, being chapter 89 of the Statutes of Ontario, 1887, is amended by striking out the words "exceeding in the whole, at any one time the annual value of \$10,000, nor" in the second and third last lines. 1887,
c. 89, s. 2,
amended.

(2) Section 4 of the said Act is repealed and the following substituted therefor: 1887,
c. 89, s. 4,
re-enacted.

Members.

- 4.—(1) The membership of the Western Fair Association shall be constituted and divided as follows:

(a) honorary members; and

(b) representative members.

Honorary members.

- (2) The honorary membership shall consist of such individuals or representatives of bodies or organizations as may from time to time be decided upon by a majority vote of the directors of the association.

Representative members.

- (3) The representative membership shall consist of three sections as follows:

(a) the city council section;

(b) the civic section; and

(c) the agricultural section.

City council section.

- (4) The city council section shall consist of the mayor of the City of London and eight members of the City council of the City of London, all of whom shall be directors of the association.

Civic section.

- (5) The civic section shall consist of members from each of the following bodies or organizations to be appointed annually by the said bodies or organizations, namely:

2 members from The Board of Education,
 2 members from The London Builders' Exchange,
 2 members from The Canadian Legion,
 6 members from The Canadian Manufacturers' Association,
 6 members from The London Chamber of Commerce,
 2 members from The Rotary Club of London,
 2 members from The Kiwanis Club of London,
 2 members from The Advertising and Sales Club of London,
 2 members from The Canadian Club of London,
 2 members from The Women's Canadian Club of London,
 2 members from The London Home and School Club,
 2 members from The Local Council of Women of London,
 1 member from The London Hunt and Country Club,
 1 member from The London and Middlesex Historical Society,
 2 members from The London Labour Council,

- 2 members from The Public Library Board of London,
- 1 member from The London Real Estate Board,
- 2 members from The London Trades and Labour Council,
- 2 members from The London Teachers' Council,
- 2 members from The Ontario Commercial Travellers Association,
- 2 members from The Ontario Wholesale Farm Equipment Association,
- 2 members from The Public Utilities Commission of London,
- 2 members from 'The Retail Merchants' Association of London,
- 2 members from The Roman Catholic Separate School Board of London,
- 2 members from The United Commercial Travellers Association of London,
- 2 members from The University of Western Ontario,
- 2 members from The Western Ontario Art League,

together with such other members as may from time to time be admitted to membership in the association by the directors, provided that the total number of representative members in this section shall not exceed in all seventy-five, together with the past presidents of the association who at the time of holding office were members of the civic section or the city council section. The composition of the civic section of the membership shall, however, be subject to such alterations or additions as may from time to time be decided upon by the majority vote of all of the directors of the association.

- (6) The agricultural section shall consist of the following ^{Agricultural section.} members or members from each of the following bodies or organizations to be appointed annually by the said bodies or organizations, namely:

- The President of The Ontario Agricultural College,
- The Principal of The Ridgetown Agricultural School,
- The Warden of the County of Middlesex,
- 1 member from The Canadian Thoroughbred Horse Society,
- 1 member from The Canadian Hackney Horse Society,
- 1 member from The Canadian Standard Bred Horse Society,
- 1 member from The Canadian Pony Society,
- 1 member from The Canadian Hunter Society,

- 1 member from The Clydesdale Horse Association of Canada,
- 1 member from The Ontario Clydesdale Club,
- 1 member from The Canadian Belgian Horse Association,
- 1 member from The Canadian Percheron Horse Association,
- 1 member from The Ontario Percheron Club,
- 1 member from The Ontario Horse Breeders' Association,
- 1 member from The Canadian Shorthorn Association,
- 1 member from The Ontario Shorthorn Club,
- 1 member from The Canadian Hereford Breeders' Association,
- 1 member from The Ontario Hereford Breeders' Association,
- 1 member from Canadian Aberdeen-Angus Association,
- 1 member from Ontario Aberdeen-Angus Association,
- 1 member from Ontario Cattle Breeders' Association,
- 1 member from The Ontario Beef Producers' Association,
- 2 members from The Holstein-Friesian Association of Canada,
- 2 members from The Canadian Ayrshire Breeders' Association,
- 1 member from The Canadian Jersey Cattle Club,
- 1 member from The Western Ontario Jersey Club,
- 1 member from The Canadian Guernsey Breeders' Association,
- 1 member from The Ontario Guernsey Breeders' Association,
- 1 member from The Canadian Sheep Breeders' Association,
- 2 members from The Ontario Sheep Breeders' Association,
- 1 member from The Canadian Swine Breeders' Association,
- 1 member from The Ontario Swine Breeders' Association,
- 1 member from The Ontario Yorkshire Club,
- 1 member from The Ontario Poultry Association,
- 1 member from The London Poultry Association,
- 1 member from The Ontario Poultry Industries Association,
- 1 member from The Ontario Crop Improvement Association,
- 1 member from The Middlesex Branch of The Ontario Crop Improvement Association,
- 1 member from The Western Ontario Dairymen's Association,

- 1 member from The Ontario Creamery Association,
- 1 member from The Ontario Beekeepers' Association,
- 2 members from The Ontario Fruit Growers' Association,
- 2 members from The London Branch of The Ontario Vegetable Growers' Association,
- 1 member from The Allied Florists & Growers Association Incorporated,
- 2 members from The London Horticultural Society,
- 2 members from The London Branch of The Ontario Florists and Gardeners,
- 1 member from The Canadian Kennel Club,
- 2 members from The Ontario Association of Agricultural Societies,
- 2 members from the Middlesex County Council,
- 1 member from the Middlesex Federation of Agriculture,
- 1 member from Middlesex Junior Farmers,
- 1 member from Middlesex Junior Institute,
- 2 members from The Women's Institute, Western Ontario,
- 1 member from The Ontario Veterinary Association, and
- 1 member from The London Canine Association,

together with such other members as may from time to time be admitted to membership in the association by the directors, provided that the total number of representative members in this section shall not exceed in all seventy-five, together with the past presidents of the association who at the time of holding office were members of the agricultural section. The composition of the agricultural section of the membership shall, however, be subject to such alterations or additions as may from time to time be decided upon by the majority vote of the directors of the Association.

(3) Section 9 of the said Act is repealed and the following substituted therefor: 1887,
c. 89, s. 9,
re-enacted.

9. The affairs of the association shall be managed by a Directors.
board of twenty-seven directors consisting of the members of the city council section and eighteen elected directors, nine of whom shall be elected from and by the members of the civic section and nine from and by the members of the agricultural section of the membership, the warden of the County of Middlesex and the past presidents of the association shall *ex officio* be members of the board of directors. The election of directors shall take place annually

and shall be conducted in such manner as may from time to time be prescribed by the by-laws of the association.

1887,
c. 89, s. 17,
amended.

(4) Section 17 of the said Act is amended by striking out the words and figures "sections 486, 487, 488 and 489 of *The Consolidated Municipal Act, 1883*, which sections are hereby declared applicable" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "*The Municipal Act*, and all amendments thereto and as the same may be further amended from time to time."

1887,
c. 89, s. 18,
repealed.

(5) Section 18 of the said Act is repealed.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of London Act, 1946*.

SCHEDULE A

THIS AGREEMENT made (in triplicate) this 24th day of August, A.D. 1944,

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the "City"),

OF THE FIRST PART;

HIS MAJESTY, THE KING, IN RIGHT OF CANADA, herein represented by the Honourable the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called "His Majesty"),

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a company incorporated under *The Dominion Companies Act*, pursuant to the provisions of *The Department of Munitions and Supply Act*, being Statutes of Canada, 4 George VI, chapter 3, as amended (hereinafter called the "Company"),

OF THE THIRD PART.

WHEREAS the City is the registered owner, in fee simple, of various parcels of vacant land within the limits of the Municipality of the City of London, situate on public streets having sidewalks, water mains and sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said Municipality and the City, being desirous of taking steps to alleviate such shortage, has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent, and for the purposes, and upon the terms and conditions all as hereinafter set forth, upon the condition that the City convey to His Majesty the land necessary to provide such additional accommodation, which the City has agreed to do for the consideration and upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this agreement, and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto hereby mutually covenant and agree as follows:

1. The City shall convey to His Majesty, in fee simple, free and clear from all encumbrances, including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are set forth in the schedule hereunto annexed marked "A" (such parcels of land and such schedule being hereinafter referred to respectively as the building lots and the schedule), by deeds or transfers approved by the solicitors for His Majesty.

2. His Majesty, in consideration of the conveyance provided for in the next preceding clause, shall pay or cause to be paid to the City the

sum of One Dollar for each of the building lots, such sum to be paid upon the execution and delivery of the deed or transfer of each such portion.

3. Upon the execution and delivery of the conveyances provided for in clause 1 hereof His Majesty, or the Company, shall:

- (a) At his or its own cost and expense proceed forthwith to erect on each of the building lots so conveyed and set forth in the schedule, a house of such type as His Majesty, in his sole discretion, may deem advisable, to cost on the average approximately Three Thousand dollars each, to be of frame construction on cement blocks or solid concrete foundation, to consist of any of the three types of houses shown on the plans of the Company, numbers H. 1, H. 5, drawings number 1-6, inclusive; numbers H. 12, H. 15, drawings number 1-7, inclusive; and H. 21, H. 23, drawings number 1-6, inclusive, and to be constructed in accordance with the specifications of the Company dated the 12th day of July, 1944, subject to the availability of the several materials and to the provisions of wartime regulations (which plans and specifications are filed with the City Clerk) to be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and to be so erected and equipped with all due diligence and expedition (such houses being hereinafter referred to as "the houses"); and
- (b) Install under the supervision, and to the satisfaction of the City Engineer of the City, all necessary water service and private drain connections from the water mains and sewers of the City to the houses, or the City shall make such installations and His Majesty or the Company shall pay to the City its costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost to be conclusive evidence of the same and to be final and binding on the parties hereto. Provided that such installations shall in all cases include such re-laying of the pavement on the street destroyed in effecting such installations, as in the opinion of the said City Engineer shall be necessary and proper. Provided also, and it is hereby expressly declared and agreed by and between the parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company, and shall thereafter be maintained and repaired by the City at its own cost and expense, except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively (to soldiers, sailors or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependents and to the dependents of any soldier, sailor or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war), at rents ranging from Twenty-two dollars to Thirty dollars per month per house; provided, however, that whenever and so often as during the currency of this agreement any of the houses is or becomes vacant and there are no applications of any such soldier, sailor, airman or dependents acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall determine. And it is hereby expressly declared and agreed by and between the parties hereto that all water and electric current supply rates or charges in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company, at their own cost and expense, shall undertake and carry out the management and control of the houses

and all appurtenances thereto belonging and shall at all times during the currency of this agreement, well and sufficiently repair, maintain, amend and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. His Majesty and/or the Company shall pay to the City on the first day of the month of October in each of the years 1944 to 1954, both inclusive, in lieu of taxes on the building lots, the following annual amounts:

- (a) The sum of Twenty-four dollars in respect of each of the houses containing two bedrooms, and
- (b) The sum of Thirty dollars in respect of each of the houses containing more than two bedrooms. Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

7. His Majesty and/or the Company, in addition to the payments provided for in clause 6 hereof, shall pay to the City on the first day of the month of October in each of the years 1944 to 1954, both inclusive, the sum of One dollar in respect of each of the houses, in consideration for the street lighting services for the houses to be provided by the City. Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. That in consideration of the payments provided for in clauses 6 and 7 hereof the City shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupiers of the houses while the same are owned by His Majesty. Provided that nothing contained in this clause shall be deemed to limit the right of the City to charge the tenants or occupiers of the houses while the same are owned by His Majesty, public utility rates and/or charges provided for in clause 4 hereof, or to collect from such tenants or occupiers any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the Municipality of the City of London. Nothing in this agreement contained shall limit the right of the Municipality to collect poll tax from any person resident in the living accommodation.

9. This agreement shall only affect such of the houses and lands appurtenant thereto while owned by His Majesty, and that His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided however that no sale or conveyance shall at any time be made to any person, firm, corporation or body exempt from full or any municipal assessment and taxation at the time of such sale or conveyance. Provided further that in the event of any of the houses and lands appurtenant thereto being sold by His Majesty, His Majesty shall pay to the municipality at the time of such sale the sum of Four hundred dollars in payment of each building lot so sold during the period between the date of this agreement and the Thirtieth day of September, 1949, both days inclusive, and the sum of Two hundred dollars in payment of each building lot so sold during the period between the First day of October, 1949, and the Thirtieth day of September, 1954, both days inclusive. Provided further that in the year that any such house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in clauses 6 and 7 hereof shall be pro rated in respect of the portion of the year in which each house and the lands appurtenant thereto cease to be owned by His Majesty, and such lands and houses shall forthwith upon such sale immediately become subject to all taxes and local improvement rates which would be assessed and charged against such lands and houses had it not been for the provisions of this agreement, and the ownership thereof by His Majesty and/or the Company.

10. His Majesty, in consideration of the City entering into and executing these presents, hereby gives to the City an option, irrevocable within the time for acceptance herein limited, to purchase, free from all

encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the building lots then owned by His Majesty as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company (such fixtures to include but not so as to limit the generality of the foregoing, heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds) for the sum of One thousand dollars for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of October to the 31st day of December, 1954, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Treasurer of the City and sealed with the Corporate Seal of the City, mailed, postage prepaid and registered, addressed to His Majesty, care of the Company, at 55 York Street, Toronto, stating therein that this option is accepted and by paying to His Majesty forthwith ten per centum of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty days from the date of acceptance, all adjustments to be made as of the 31st day of December, 1954, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

11. Should the City fail to exercise the option to purchase mentioned in clause 10 hereof, His Majesty shall have the right to sell such of the building lots as are then owned by him without payment to the City of any sum whatsoever on the sale of such lands, and His Majesty and/or the Company, from and after the 1st day of January, 1955, shall pay annually to the City in respect of each of the building lots and buildings thereon, while owned by His Majesty, in lieu of taxes, a sum equal to the amount of taxes, rates and/or assessments, including local improvement rates, that would have been payable in respect of each of the building lots and buildings thereon if the same had been owned by a non-exempt person, company and/or corporation; such sum to be paid to the City on or before the 1st day of October in each year commencing with the year 1955. Provided that such payments in lieu of taxes shall be pro rated in respect of the portion of the year in which each of the building lots ceases to be owned by His Majesty.

12. That any existing or future provisions of the by-laws of the City with respect to the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

13. In the event that any of the houses is damaged by fire or the elements or otherwise prior to the 1st day of January, 1955, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair such damage or completely remove the remains of such damaged house from the portion of the building lots appurtenant thereto. In the event of the removal of such damaged house His Majesty shall convey to the City, in fee simple, free from all encumbrances (save and except any encumbrance which may be registered against such portion of the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the said portion of the building lots, such conveyance to be by a deed or transfer approved by the solicitor for the City.

14. The City, at its own cost and expense, shall take all possible steps to obtain, at the next ensuing session of the Legislature of the Province of Ontario, legislation validating and confirming this agreement and empowering the City to carry out its terms and provisions.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Sgd.) E. GROVER.

THE CORPORATION OF THE CITY OF
LONDON

(Sgd.) W. J. HEAMAN, (Seal)

(Sgd.) NORA TOLL, *Mayor,*
Clerk.

HIS MAJESTY, THE KING, IN THE
RIGHT OF CANADA, herein repre-
sented by the Minister of Muni-
tions and Supply of Canada,
acting through Wartime Housing
Limited (Seal)

(Sgd.) JOSEPH M. PIGGOTT

(Sgd.) THOMAS GRAY. (Seal)

WARTIME HOUSING LIMITED

(Sgd.) JOSEPH M. PIGGOTT.

(Sgd.) THOMAS GRAY.

LIST OF LOTS FOR WARTIME HOUSING LTD.

SCHEDULE "A"

Parcel No.	No. of Lots	Dimensions	Plan	Street	Description
1	1	52'10"x106'6"	511	East	Part of Lot No. 1 on the East side of East Street (see attached description).
2	1	49'6"x106'6"	511	Giles	Lot 80 and the Southerly half of Lot No. 79 on the West side of Giles Street.
3	1	" x "	"	"	Lot No. 78 and the Northerly half of Lot No. 79 on the West side of Giles Street.
4	1	" x "	"	"	Lot No. 123 and the Northerly half of Lot No. 122 on the East side of Giles Street.
5	1	" x "	"	"	Lot No. 121 and the Southerly half of Lot No. 122 on the East side of Giles Street
6	1	45'x147'4"	438	East	Lot No. 33 on the West side of East Street.
7	1	45'x147'6"	438	"	Lot No. 30 and the Southerly half of Lot No. 31 on the West side of East Street.
8	1	44'x106'6"	511	Giles	Lot No. 107 and the Northerly 11' of Lot No. 106 on the East side of Giles Street.
9	1	42'x104'6"	517	"	Lot No. 149 and the Northerly 7' of Lot No. 150 on the East side of Giles Street.
10	1	" x "	"	"	The Southerly 28' of Lot No. 150 and the Northerly 14' of Lot No. 151 on the East side of Giles Street.
11	1	" x "	"	"	The Southerly 21' of Lot No. 151 and the Northerly 21' of Lot No. 152 on the East side of Giles Street.
12	1	" x "	"	"	The Southerly 14' of Lot No. 152 and the Northerly 28' of Lot No. 153 on the East side of Giles Street.
13	1	" x "	"	"	Lot No. 154 and the Southerly 7' of Lot No. 153 on the East side of Giles Street.
14	1	40'x103' more or less	"	"	Lot No. 120 and the Northerly 5' of Lot No. 121 on the West side of Giles Street.
15	1	" x "	"	"	The Southerly 30' of Lot No. 121 and the Northerly 10' of Lot No. 122 on the West side of Giles Street.
16	1	" x "	"	"	The Southerly 25' of Lot No. 122 and the Northerly 15' of Lot No. 123 on the West side of Giles Street.
17	1	" x "	"	"	The Southerly 20' of Lot No. 123 and the Northerly 20' of Lot No. 124 on the West side of Giles Street.
18	1	" x "	"	"	The Southerly 15' of Lot No. 124 and the Northerly 25' of Lot No. 125 on the West side of Giles Street.
19	1	" x "	"	"	The Southerly 10' of Lot No. 125 and the Northerly 30' of Lot No. 126 on the West side of Giles Street.
20	1	" x "	"	"	The Southerly 5' of Lot No. 126 and Lot No. 127 on the West side of Giles Street.
21	1	39'8"x106'6"	266	Giles	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).

Parcel No.	No. of Lots	Dimensions	Plan	Street	Description
22	1	" x "	"	"	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
23	1	" x "	"	"	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
24	1	39'10"x106'6"	{266 511}	"	Lot No. 126 West Giles Street (Plan 511) and part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
25	1	38'4"x144'8 1/2" more or less.....	438	East	Lot No. 54 and the Northerly 11'4" of Lot No. 53 on the West side of East Street.
26	1	38'4"x144'10" more or less	"	"	The Southerly 18'8" of Lot No. 53 and the Northerly 19'8" of Lot No. 52 on the West side of East Street.
27	1	38'4"x144'11" more or less	"	"	The Southerly 10'4" of Lot No. 52 and the Northerly 28' of Lot No. 51 on the West side of East Street.
28	1	38'x145' more or less	"	"	The Southerly 24' of Lot No. 49 and the Northerly 14' of Lot No. 48 on the West side of East Street.
29	1	38'x145' more or less	438	East	The Southerly 16' of Lot No. 48 and the Northerly 22' of Lot No. 47 on the West side of East Street.
30	1	" x " "	"	"	The Southerly 8' of Lot No. 47 and Lot No. 46 on the West side of East Street.
31	1	36'8"x106'6"	517	Giles	Lot No. 138 on the West side of Giles Street.
32	1	35'x106'6"	519	"	Lot No. 6 on the East side of Giles Street.
33	1	" x "	522	"	Lot No. 8 on the East side of Giles Street.
34	1	" x "	"	"	Lot No. 10 on the East side of Giles Street.
35	1	" x "	"	"	Lot No. 11 on the East side of Giles Street.
36	1	35'x105' more or less	517	"	Lot No. 128 on the West side of Giles Street.
37	1	" x " "	"	"	Lot No. 132 on the West side of Giles Street.
38	1	" x " "	"	"	Lot No. 134 on the West side of Giles Street.
39	1	" x " "	"	"	Lot No. 137 on the West side of Giles Street.
40	1	35'x106'6"	519	"	Lot No. 10 on the West side of Giles Street.
41	1	" x " "	"	"	Lot No. 11 on the West side of Giles Street.
42	1	" x " "	"	"	Lot No. 12 on the West side of Giles Street.
43	1	35'x106'6"	517	East	Lot No. 25 on the East side of East Street.
44	1	" x " "	"	"	Lot No. 26 on the East side of East Street.
45	1	" x " "	"	"	Lot No. 28 on the East side of East Street.
46	1	" x " "	"	"	Lot No. 29 on the East side of East Street.
47	1	" x " "	526	"	Lot No. 2 on the East side of East Street.

48	1	35'x106'6"	526	East	Lot No. 3 on the East side of East Street.
49	1	" " x "	"	"	Lot No. 8 on the East side of East Street.
50	1	33'x106'6"	511	Giles	Lot No. 85 on the West side of Giles Street.

DESCRIPTION OF PARCEL No. 1 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 1 on the East side of East Street in the City of London, according to Registered Plan No. 511, and more particularly described as follows:

Commencing at the South-westerly angle of the said lot; thence Northerly along the East side of East Street 52'10"; thence Easterly parallel with the southerly limit of the said lot 53' more or less to the Northerly limit of the said lot; thence Easterly along the Northerly limit of the said lot 61'6" more or less to the North-easterly angle thereof; thence Southerly along the Easterly limit of the said lot 20'11" more or less to the South-easterly angle of the said lot and thence Westerly along the Southerly limit of the said lot 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL No. 21 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at the South-westerly angle of Lot No. 12 on the East side of Giles Street in the City of London, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'8"; thence Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" to the South-easterly angle of the said Lot No. 12 and thence Westerly along the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL No. 22 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street distant 39'8" Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the Easterly limit of Giles Street 39'8"; thence Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" more or less to a point distant 39'8" Southerly from the South-easterly angle of the said Lot No. 12 and thence Westerly parallel with the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL No. 23 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street distant 79'4" Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'8"; thence

Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" more or less to a point distant 79'4" Southerly from the South-easterly angle of the said Lot No. 12 and thence Westerly parallel with the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL No. 24 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and part of Lot No. 126 on the East side of Giles Street in the City of London, according to Registered Plan No. 511, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street 119' Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'10" more or less to the South-westerly angle of Lot No. 126 aforesaid; thence Easterly along the Southerly limit of the said Lot No. 126, 106'6" more or less to the South-easterly angle thereof; thence Northerly along the Easterly limit of the said lot and its production Northerly in a straight line 42'1" more or less to a point distant 119' Southerly from the South-easterly angle of Lot No. 12 on the East side of Giles Street aforesaid; thence Westerly parallel with the Southerly limit of Lot No. 12, 106'6" more or less to the place of beginning.

An Act respecting the City of London.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. PATRICK

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of London.

MR. PATRICK

(Reprinted as amended by the Committee on Private Bills)

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London has ^{Preamble.} by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between the Corporation of the ^{Housing agreement validated.} City of London and His Majesty, the King, in right of Canada and Wartime Housing Limited, set forth as schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the rate-payers thereof, and the said Corporation is hereby authorized and empowered to carry out its obligations and to enjoy its rights and powers and privileges under the terms of the said agreement, provided that nothing in this section or in the said agreement shall limit or affect any rights of the said Corporation with respect to personal charges for health services.

2. Notwithstanding the provisions of section 70 of *The Ontario Municipal Board Act* the Corporation of the City of ^{Nurses' residence, Victoria Hospital.} London is hereby authorized and empowered to undertake and provide for needed accommodation at the nurses' residence ^{Rev. Stat., c. 60.} at Victoria Hospital, London, and to expend therefor the sum of \$141,500 to be raised by including the sum of \$25,000 in the yearly rate for taxes in the year 1945, and the sum of \$38,833.33 in each of the years 1946, 1947 and 1948, and such undertaking and expenditure and such yearly rates are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

3.—(1) Section 2 of the Act intituled *An Act to incorporate* ^{1887, c. 89, s. 2, amended.} *the Western Fair Association*, being chapter 89 of the Statutes of Ontario, 1887, is amended by striking out the words "exceeding in the whole, at any one time the annual value of \$10,000, nor" in the second and third last lines.

(2) Section 4 of the said Act is repealed and the following ^{1887, c. 89, s. 4, re-enacted.} substituted therefor:

Members.

4.—(1) The membership of the Western Fair Association shall be constituted and divided as follows:

(a) honorary members; and

(b) representative members.

Honorary members.

(2) The honorary membership shall consist of such individuals or representatives of bodies or organizations as may from time to time be decided upon by a majority vote of the directors of the association.

Representative members.

(3) The representative membership shall consist of three sections as follows:

(a) the city council section;

(b) the civic section; and

(c) the agricultural section.

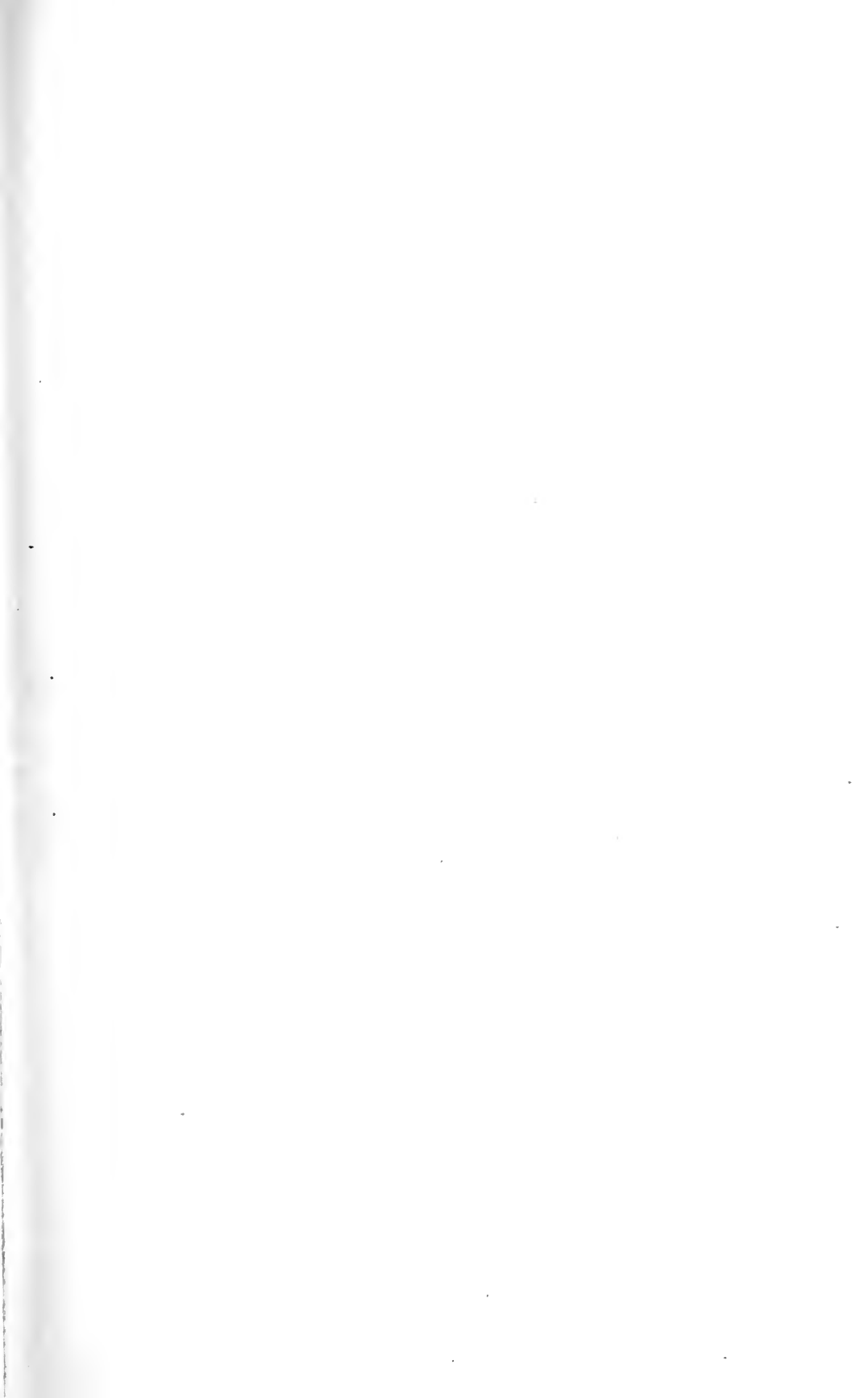
City council section.

(4) The city council section shall consist of the mayor of the City of London and eight members of the City council of the City of London, all of whom shall be directors of the association.

Civic section.

(5) The civic section shall consist of members from each of the following bodies or organizations to be appointed annually by the said bodies or organizations, namely:

- 2 members from The Board of Education,
- 2 members from The London Builders' Exchange,
- 2 members from The Canadian Legion,
- 6 members from The Canadian Manufacturers' Association,
- 6 members from The London Chamber of Commerce,
- 2 members from The Rotary Club of London,
- 2 members from The Kiwanis Club of London,
- 2 members from The Advertising and Sales Club of London,
- 2 members from The Canadian Club of London,
- 2 members from The Women's Canadian Club of London,
- 2 members from The London Home and School Club,
- 2 members from The Local Council of Women of London,
- 1 member from The London Hunt and Country Club,
- 1 member from The London and Middlesex Historical Society,
- 2 members from The London Labour Council,



- 2 members from The Public Library Board of London,
- 1 member from The London Real Estate Board,
- 2 members from The London Trades and Labour Council,
- 2 members from The London Teachers' Council,
- 2 members from The Ontario Commercial Travellers Association,
- 2 members from The Ontario Wholesale Farm Equipment Association,
- 2 members from The Public Utilities Commission of London,
- 2 members from The Retail Merchants' Association of London,
- 2 members from The Roman Catholic Separate School Board of London,
- 2 members from The United Commercial Travellers Association of London,
- 2 members from The University of Western Ontario,
- 2 members from The Western Ontario Art League,

together with such other members as may from time to time be admitted to membership in the association by the directors, provided that the total number of representative members in this section shall not exceed in all seventy-five, together with the past presidents of the association who at the time of holding office were members of the civic section or the city council section. The composition of the civic section of the membership shall, however, be subject to such alterations or additions as may from time to time be decided upon by the majority vote of all of the directors of the association.

- (6) The agricultural section shall consist of the following ^{Agricultural section.} members or members from each of the following bodies or organizations to be appointed annually by the said bodies or organizations, namely:

- The President of The Ontario Agricultural College,
- The Principal of The Ridgetown Agricultural School,
- The Warden of the County of Middlesex,
- 1 member from The Canadian Thoroughbred Horse Society,
- 1 member from The Canadian Hackney Horse Society,
- 1 member from The Canadian Standard Bred Horse Society,
- 1 member from The Canadian Pony Society,
- 1 member from The Canadian Hunter Society,

- 1 member from The Clydesdale Horse Association of Canada,
- 1 member from The Ontario Clydesdale Club,
- 1 member from The Canadian Belgian Horse Association,
- 1 member from The Canadian Percheron Horse Association,
- 1 member from The Ontario Percheron Club,
- 1 member from The Ontario Horse Breeders' Association,
- 1 member from The Canadian Shorthorn Association,
- 1 member from The Ontario Shorthorn Club,
- 1 member from The Canadian Hereford Breeders' Association,
- 1 member from The Ontario Hereford Breeders' Association,
- 1 member from Canadian Aberdeen-Angus Association,
- 1 member from Ontario Aberdeen-Angus Association,
- 1 member from Ontario Cattle Breeders' Association,
- 1 member from The Ontario Beef Producers' Association,
- 2 members from The Holstein-Friesian Association of Canada,
- 2 members from The Canadian Ayrshire Breeders' Association,
- 1 member from The Canadian Jersey Cattle Club,
- 1 member from The Western Ontario Jersey Club,
- 1 member from The Canadian Guernsey Breeders' Association,
- 1 member from The Ontario Guernsey Breeders' Association,
- 1 member from The Canadian Sheep Breeders' Association,
- 2 members from The Ontario Sheep Breeders' Association,
- 1 member from The Canadian Swine Breeders' Association,
- 1 member from The Ontario Swine Breeders' Association,
- 1 member from The Ontario Yorkshire Club,
- 1 member from The Ontario Poultry Association,
- 1 member from The London Poultry Association,
- 1 member from The Ontario Poultry Industries Association,
- 1 member from The Ontario Crop Improvement Association,
- 1 member from The Middlesex Branch of The Ontario Crop Improvement Association,
- 1 member from The Western Ontario Dairymen's Association,



- 1 member from The Ontario Creamery Association,
- 1 member from The Ontario Beekeepers' Association,
- 2 members from The Ontario Fruit Growers' Association,
- 2 members from The London Branch of The Ontario Vegetable Growers' Association,
- 1 member from The Allied Florists & Growers Association Incorporated,
- 2 members from The London Horticultural Society,
- 2 members from The London Branch of The Ontario Florists and Gardeners,
- 1 member from The Canadian Kennel Club,
- 2 members from The Ontario Association of Agricultural Societies,
- 2 members from the Middlesex County Council,
- 1 member from the Middlesex Federation of Agriculture,
- 1 member from Middlesex Junior Farmers,
- 1 member from Middlesex Junior Institute,
- 2 members from The Women's Institute, Western Ontario,
- 1 member from The Ontario Veterinary Association, and
- 1 member from The London Canine Association,

together with such other members as may from time to time be admitted to membership in the association by the directors, provided that the total number of representative members in this section shall not exceed in all seventy-five, together with the past presidents of the association who at the time of holding office were members of the agricultural section. The composition of the agricultural section of the membership shall, however, be subject to such alterations or additions as may from time to time be decided upon by the majority vote of the directors of the Association.

(3) Section 9 of the said Act is repealed and the following substituted therefor: 1887.
c. 89, s. 9,
re-enacted

9. The affairs of the association shall be managed by a ^{Directors} board of twenty-seven directors consisting of the members of the city council section and eighteen elected directors, nine of whom shall be elected from and by the members of the civic section and nine from and by the members of the agricultural section of the membership, the warden of the County of Middlesex and the past presidents of the association shall *ex officio* be members of the board of directors. The election of directors shall take place annually

and shall be conducted in such manner as may from time to time be prescribed by the by-laws of the association.

1887,
c. 89, s. 17,
amended.

(4) Section 17 of the said Act is amended by striking out the words and figures "sections 486, 487, 488 and 489 of *The Consolidated Municipal Act, 1883*, which sections are hereby declared applicable" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "*The Municipal Act*, and all amendments thereto and as the same may be further amended from time to time."

1887,
c. 89, s. 18,
repealed.

(5) Section 18 of the said Act is repealed.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of London Act, 1946*.



SCHEDULE A

THIS AGREEMENT made (in triplicate) this 24th day of August, A.D. 1944,

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the "City"),

OF THE FIRST PART;

HIS MAJESTY, THE KING, IN RIGHT OF CANADA, herein represented by the Honourable the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called "His Majesty"),

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a company incorporated under *The Dominion Companies Act*, pursuant to the provisions of *The Department of Munitions and Supply Act*, being Statutes of Canada, 4 George VI, chapter 3, as amended (hereinafter called the "Company"),

OF THE THIRD PART.

WHEREAS the City is the registered owner, in fee simple, of various parcels of vacant land within the limits of the Municipality of the City of London, situate on public streets having sidewalks, water mains and sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said Municipality and the City, being desirous of taking steps to alleviate such shortage, has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent, and for the purposes, and upon the terms and conditions all as hereinafter set forth, upon the condition that the City convey to His Majesty the land necessary to provide such additional accommodation, which the City has agreed to do for the consideration and upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this agreement, and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto hereby mutually covenant and agree as follows:

1. The City shall convey to His Majesty, in fee simple, free and clear from all encumbrances, including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are set forth in the schedule hereunto annexed marked "A" (such parcels of land and such schedule being hereinafter referred to respectively as the building lots and the schedule), by deeds or transfers approved by the solicitors for His Majesty.

2. His Majesty, in consideration of the conveyance provided for in the next preceding clause, shall pay or cause to be paid to the City the

sum of One Dollar for each of the building lots, such sum to be paid upon the execution and delivery of the deed or transfer of each such portion.

3. Upon the execution and delivery of the conveyances provided for in clause 1 hereof His Majesty, or the Company, shall:

- (a) At his or its own cost and expense proceed forthwith to erect on each of the building lots so conveyed and set forth in the schedule, a house of such type as His Majesty, in his sole discretion, may deem advisable, to cost on the average approximately Three Thousand dollars each, to be of frame construction on cement blocks or solid concrete foundation, to consist of any of the three types of houses shown on the plans of the Company, numbers H. 1, H. 5, drawings number 1-6, inclusive; numbers H. 12, H. 15, drawings number 1-7, inclusive; and H. 21, H. 23, drawings number 1-6, inclusive, and to be constructed in accordance with the specifications of the Company dated the 12th day of July, 1944, subject to the availability of the several materials and to the provisions of wartime regulations (which plans and specifications are filed with the City Clerk) to be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and to be so erected and equipped with all due diligence and expedition (such houses being hereinafter referred to as "the houses"); and
- (b) Install under the supervision, and to the satisfaction of the City Engineer of the City, all necessary water service and private drain connections from the water mains and sewers of the City to the houses, or the City shall make such installations and His Majesty or the Company shall pay to the City its costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost to be conclusive evidence of the same and to be final and binding on the parties hereto. Provided that such installations shall in all cases include such re-laying of the pavement on the street destroyed in effecting such installations, as in the opinion of the said City Engineer shall be necessary and proper. Provided also, and it is hereby expressly declared and agreed by and between the parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company, and shall thereafter be maintained and repaired by the City at its own cost and expense, except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively (to soldiers, sailors or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependents and to the dependents of any soldier, sailor or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war), at rents ranging from Twenty-two dollars to Thirty dollars per month per house; provided, however, that whenever and so often as during the currency of this agreement any of the houses is or becomes vacant and there are no applications of any such soldier, sailor, airman or dependents acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall determine. And it is hereby expressly declared and agreed by and between the parties hereto that all water and electric current supply rates or charges in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company, at their own cost and expense, shall undertake and carry out the management and control of the houses

and all appurtenances thereto belonging and shall at all times during the currency of this agreement, well and sufficiently repair, maintain, amend and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. His Majesty and/or the Company shall pay to the City on the first day of the month of October in each of the years 1944 to 1954, both inclusive, in lieu of taxes on the building lots, the following annual amounts:

- (a) The sum of Twenty-four dollars in respect of each of the houses containing two bedrooms, and
- (b) The sum of Thirty dollars in respect of each of the houses containing more than two bedrooms. Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

7. His Majesty and/or the Company, in addition to the payments provided for in clause 6 hereof, shall pay to the City on the first day of the month of October in each of the years 1944 to 1954, both inclusive, the sum of One dollar in respect of each of the houses, in consideration for the street lighting services for the houses to be provided by the City. Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. That in consideration of the payments provided for in clauses 6 and 7 hereof the City shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupiers of the houses while the same are owned by His Majesty. Provided that nothing contained in this clause shall be deemed to limit the right of the City to charge the tenants or occupiers of the houses while the same are owned by His Majesty, public utility rates and/or charges provided for in clause 4 hereof, or to collect from such tenants or occupiers any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the Municipality of the City of London. Nothing in this agreement contained shall limit the right of the Municipality to collect poll tax from any person resident in the living accommodation.

9. This agreement shall only affect such of the houses and lands appurtenant thereto while owned by His Majesty, and that His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided however that no sale or conveyance shall at any time be made to any person, firm, corporation or body exempt from full or any municipal assessment and taxation at the time of such sale or conveyance. Provided further that in the event of any of the houses and lands appurtenant thereto being sold by His Majesty, His Majesty shall pay to the municipality at the time of such sale the sum of Four hundred dollars in payment of each building lot so sold during the period between the date of this agreement and the Thirtieth day of September, 1949, both days inclusive, and the sum of Two hundred dollars in payment of each building lot so sold during the period between the First day of October, 1949, and the Thirtieth day of September, 1954, both days inclusive. Provided further that in the year that any such house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in clauses 6 and 7 hereof shall be pro rated in respect of the portion of the year in which each house and the lands appurtenant thereto cease to be owned by His Majesty, and such lands and houses shall forthwith upon such sale immediately become subject to all taxes and local improvement rates which would be assessed and charged against such lands and houses had it not been for the provisions of this agreement, and the ownership thereof by His Majesty and/or the Company.

10. His Majesty, in consideration of the City entering into and executing these presents, hereby gives to the City an option, irrevocable within the time for acceptance herein limited, to purchase, free from all

encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the building lots then owned by His Majesty as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company (such fixtures to include but not so as to limit the generality of the foregoing, heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds) for the sum of One thousand dollars for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of October to the 31st day of December, 1954, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Treasurer of the City and sealed with the Corporate Seal of the City, mailed, postage prepaid and registered, addressed to His Majesty, care of the Company, at 55 York Street, Toronto, stating therein that this option is accepted and by paying to His Majesty forthwith ten per centum of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty days from the date of acceptance, all adjustments to be made as of the 31st day of December, 1954, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

11. Should the City fail to exercise the option to purchase mentioned in clause 10 hereof, His Majesty shall have the right to sell such of the building lots as are then owned by him without payment to the City of any sum whatsoever on the sale of such lands, and His Majesty and/or the Company, from and after the 1st day of January, 1955, shall pay annually to the City in respect of each of the building lots and buildings thereon, while owned by His Majesty, in lieu of taxes, a sum equal to the amount of taxes, rates and/or assessments, including local improvement rates, that would have been payable in respect of each of the building lots and buildings thereon if the same had been owned by a non-exempt person, company and/or corporation; such sum to be paid to the City on or before the 1st day of October in each year commencing with the year 1955. Provided that such payments in lieu of taxes shall be pro rated in respect of the portion of the year in which each of the building lots ceases to be owned by His Majesty.

12. That any existing or future provisions of the by-laws of the City with respect to the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

13. In the event that any of the houses is, damaged by fire or the elements or otherwise prior to the 1st day of January, 1955, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair such damage or completely remove the remains of such damaged house from the portion of the building lots appurtenant thereto. In the event of the removal of such damaged house His Majesty shall convey to the City, in fee simple, free from all encumbrances (save and except any encumbrance which may be registered against such portion of the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the said portion of the building lots, such conveyance to be by a deed or transfer approved by the solicitor for the City.

14. The City, at its own cost and expense, shall take all possible steps to obtain, at the next ensuing session of the Legislature of the Province of Ontario, legislation validating and confirming this agreement and empowering the City to carry out its terms and provisions.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Sgd.) E. GROVER.

THE CORPORATION OF THE CITY OF
LONDON

(Sgd.) W. J. HEAMAN, (Seal)

(Sgd.) NORA TOLL, Mayor,

Clerk.

HIS MAJESTY, THE KING, IN THE
RIGHT OF CANADA, herein represented by the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (Seal)

(Sgd.) JOSEPH M. PIGGOTT

(Sgd.) THOMAS GRAY.

(Seal)

WARTIME HOUSING LIMITED

(Sgd.) JOSEPH M. PIGGOTT.

(Sgd.) THOMAS GRAY.

LIST OF LOTS FOR WARTIME HOUSING LTD.

SCHEDULE "A"

Parcel No. No. of Lots	Dimensions	Plan	Street	Description
1 1	52'10"x106'6"	511	East	Part of Lot No. 1 on the East side of East Street (see attached description).
2 1	49'6"x106'6"	511	Giles	Lot 80 and the Southerly half of Lot No. 79 on the West side of Giles Street.
3 1	" x "	"	"	Lot No. 78 and the Northerly half of Lot No. 79 on the West side of Giles Street.
4 1	" x "	"	"	Lot No. 123 and the Northerly half of Lot No. 122 on the East side of Giles Street.
5 1	" x "	"	"	Lot No. 121 and the Southerly half of Lot No. 122 on the East side of Giles Street.
6 1	45'x147'4"	438	East	Lot No. 33 on the West side of East Street.
7 1	45'x147'6"	438	"	Lot No. 30 and the Southerly half of Lot No. 31 on the West side of East Street.
8 1	44'x106'6"	511	Giles	Lot No. 107 and the Northerly 11' of Lot No. 106 on the East side of Giles Street.
9 1	42'x104'6"	517	"	Lot No. 149 and the Northerly 7' of Lot No. 150 on the East side of Giles Street.
10 1	" x "	"	"	The Southerly 28' of Lot No. 150 and the Northerly 14' of Lot No. 151 on the East side of Giles Street.
11 1	" x "	"	"	The Southerly 21' of Lot No. 151 and the Northerly 21' of Lot No. 152 on the East side of Giles Street.
12 1	" x "	"	"	The Southerly 14' of Lot No. 152 and the Northerly 28' of Lot No. 153 on the East side of Giles Street.
13 1	" x "	"	"	Lot No. 154 and the Southerly 7' of Lot No. 153 on the East side of Giles Street.
14 1	40'x103'more or less	"	"	Lot No. 120 and the Northerly 5' of Lot No. 121 on the West side of Giles Street.
15 1	" x "	"	"	The Southerly 30' of Lot No. 121 and the Northerly 10' of Lot No. 122 on the West side of Giles Street.
16 1	" x "	"	"	The Southerly 25' of Lot No. 122 and the Northerly 15' of Lot No. 123 on the West side of Giles Street.
17 1	" x "	"	"	The Southerly 20' of Lot No. 123 and the Northerly 20' of Lot No. 124 on the West side of Giles Street.
18 1	" x "	"	"	The Southerly 15' of Lot No. 124 and the Northerly 25' of Lot No. 125 on the West side of Giles Street.
19 1	" x "	"	"	The Southerly 10' of Lot No. 125 and the Northerly 30' of Lot No. 126 on the West side of Giles Street.
20 1	" x "	"	"	The Southerly 5' of Lot No. 126 and Lot No. 127 on the West side of Giles Street.
21 1	39'8"x106'6"	266	Giles	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).

Parcel No.	No. of Lots	Dimensions	Plan	Street	Description
22	1	" x "	"	"	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
23	1	" x "	"	"	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
24	1	39'10"x106'6"	{266 511}	"	Lot No. 126 West Giles Street (Plan 511) and part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
25	1	38'4"x144'8 1/2"	"	"	Lot No. 54 and the Northerly 11'4" of Lot No. 53 on the West side of East Street.
26	1	38'4"x144'10"	438	East	The Southerly 18'8" of Lot No. 53 and the Northerly 19'8" of Lot No. 52 on the West side of East Street.
27	1	more or less	"	"	The Southerly 10'4" of Lot No. 52 and the Northerly 28' of Lot No. 51 on the West side of East Street.
28	1	38'4"x144'11"	"	"	The Southerly 24' of Lot No. 49 and the Northerly 14' of Lot No. 48 on the West side of East Street.
29	1	38'x145' more or less	"	"	The Southerly 16' of Lot No. 48 and the Northerly 22' of Lot No. 47 on the West side of East Street.
30	1	38'x145' more or less	438	East	The Southerly 8' of Lot No. 47 and Lot No. 46 on the West side of East Street.
31	1	" x "	"	"	Lot No. 138 on the West side of Giles Street.
32	1	36'8"x106'6"	517	Giles	Lot No. 6 on the East side of Giles Street.
33	1	35'x106'6"	519	"	Lot No. 8 on the East side of Giles Street.
34	1	" x "	522	"	Lot No. 10 on the East side of Giles Street.
35	1	" x "	"	"	Lot No. 11 on the East side of Giles Street.
36	1	35'x105' more or less	517	"	Lot No. 128 on the West side of Giles Street.
37	1	" x "	"	"	Lot No. 132 on the West side of Giles Street.
38	1	" x "	"	"	Lot No. 134 on the West side of Giles Street.
39	1	" x "	"	"	Lot No. 137 on the West side of Giles Street.
40	1	35'x106'6"	519	"	Lot No. 10 on the West side of Giles Street.
41	1	" x "	"	"	Lot No. 11 on the West side of Giles Street.
42	1	" x "	"	"	Lot No. 12 on the West side of Giles Street.
43	1	35'x106'6"	517	East	Lot No. 25 on the East side of East Street.
44	1	" x "	"	"	Lot No. 26 on the East side of East Street.
45	1	" x "	"	"	Lot No. 28 on the East side of East Street.
46	1	" x "	"	"	Lot No. 29 on the East side of East Street.
47	1	" x "	526	"	Lot No. 2 on the East side of East Street.

48	1	35'x106'6"	526	East	Lot No. 3 on the East side of East Street.
49	1	" x "	"	"	Lot No. 8 on the East side of East Street.
50	1	33'x106'6"	511	Giles	Lot No. 85 on the West side of Giles Street.

DESCRIPTION OF PARCEL No. 1 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 1 on the East side of East Street in the City of London, according to Registered Plan No. 511, and more particularly described as follows:

Commencing at the South-westerly angle of the said lot; thence Northerly along the East side of East Street 52'10"; thence Easterly parallel with the southerly limit of the said lot 53' more or less to the Northerly limit of the said lot; thence Easterly along the Northerly limit of the said lot 61'6" more or less to the North-easterly angle thereof; thence Southerly along the Easterly limit of the said lot 20'11" more or less to the South-easterly angle of the said lot and thence Westerly along the Southerly limit of the said lot 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL No. 21 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at the South-westerly angle of Lot No. 12 on the East side of Giles Street in the City of London, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'8"; thence Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" to the South-easterly angle of the said Lot No. 12 and thence Westerly along the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL No. 22 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street distant 39'8" Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the Easterly limit of the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the Easterly limit of the South-westerly angle of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" more or less to a point distant 39'8" Southerly from the South-easterly angle of the said Lot No. 12 and thence Westerly parallel with the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL No. 23 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street distant 79'4" Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'8"; thence

Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" more or less to a point distant 79'4" Southerly from the South-easterly angle of the said Lot No. 12 and thence Westerly parallel with the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 24 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and part of Lot No. 126 on the East side of Giles Street in the City of London, according to Registered Plan No. 511, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street 119' Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'10" more or less to the South-westerly angle of Lot No. 126 aforesaid; thence Easterly along the Southerly limit of the said Lot No. 126, 106'6" more or less to the Southerly angle thereof; thence Northerly along the Easterly limit of the said lot and its production Northerly in a straight line 42'1" more or less to a point distant 119' Southerly from the South-easterly angle of Lot No. 12 on the East side of Giles Street aforesaid; thence Westerly parallel with the Southerly limit of Lot No. 12, 106'6" more or less to the place of beginning.

BILL.

An Act respecting the City of London.

1st Reading

March 6th, 1946.

2nd Reading

3rd Reading

MR. PATRICK

(Reprinted as amended by the Committee on
Private Bills)

NO. 35

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of London.

MR. PATRICK

BILL

An Act respecting the City of London.

WHEREAS the Corporation of the City of London has Preamble.
by its petition prayed for special legislation in respect
of the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The agreement made between the Corporation of the Housing agreement validated.
City of London and His Majesty, the King, in right of Canada and Wartime Housing Limited, set forth as schedule A hereto, is hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof, and the said Corporation is hereby authorized and empowered to carry out its obligations and to enjoy its rights and powers and privileges under the terms of the said agreement, provided that nothing in this section or in the said agreement shall limit or affect any rights of the said Corporation with respect to personal charges for health services.

2. Notwithstanding the provisions of section 70 of *The Nurses' residence, Victoria Hospital.*
Ontario Municipal Board Act the Corporation of the City of London is hereby authorized and empowered to undertake and provide for needed accommodation at the nurses' residence Rev. Stat., c. 60.
at Victoria Hospital, London, and to expend therefor the sum of \$141,500 to be raised by including the sum of \$25,000 in the yearly rate for taxes in the year 1945, and the sum of \$38,833.33 in each of the years 1946, 1947 and 1948, and such undertaking and expenditure and such yearly rates are hereby ratified and confirmed and declared to be legal, valid and binding upon the said Corporation and the ratepayers thereof.

3.—(1) Section 2 of the Act intituled *An Act to incorporate 1887, c. 89, s. 2, amended.*
the Western Fair Association, being chapter 89 of the Statutes of Ontario, 1887, is amended by striking out the words "exceeding in the whole, at any one time the annual value of \$10,000, nor" in the second and third last lines.

(2) Section 4 of the said Act is repealed and the following 1887, c. 89, s. 4, re-enacted.
substituted therefor:

Members.

4.—(1) The membership of the Western Fair Association shall be constituted and divided as follows:

(a) honorary members; and

(b) representative members.

Honorary members.

(2) The honorary membership shall consist of such individuals or representatives of bodies or organizations as may from time to time be decided upon by a majority vote of the directors of the association.

Representative members.

(3) The representative membership shall consist of three sections as follows:

(a) the city council section;

(b) the civic section; and

(c) the agricultural section.

City council section.

(4) The city council section shall consist of the mayor of the City of London and eight members of the City council of the City of London, all of whom shall be directors of the association.

Civic section.

(5) The civic section shall consist of members from each of the following bodies or organizations to be appointed annually by the said bodies or organizations, namely:

- 2 members from The Board of Education,
- 2 members from The London Builders' Exchange,
- 2 members from The Canadian Legion,
- 6 members from The Canadian Manufacturers' Association,
- 6 members from The London Chamber of Commerce,
- 2 members from The Rotary Club of London,
- 2 members from The Kiwanis Club of London,
- 2 members from The Advertising and Sales Club of London,
- 2 members from The Canadian Club of London,
- 2 members from The Women's Canadian Club of London,
- 2 members from The London Home and School Club,
- 2 members from The Local Council of Women of London,
- 1 member from The London Hunt and Country Club,
- 1 member from The London and Middlesex Historical Society,
- 2 members from The London Labour Council,

- 2 members from The Public Library Board of London,
- 1 member from The London Real Estate Board,
- 2 members from The London Trades and Labour Council,
- 2 members from The London Teachers' Council,
- 2 members from The Ontario Commercial Travellers Association,
- 2 members from The Ontario Wholesale Farm Equipment Association,
- 2 members from The Public Utilities Commission of London,
- 2 members from The Retail Merchants' Association of London,
- 2 members from The Roman Catholic Separate School Board of London,
- 2 members from The United Commercial Travellers Association of London,
- 2 members from The University of Western Ontario,
- 2 members from The Western Ontario Art League,

together with such other members as may from time to time be admitted to membership in the association by the directors, provided that the total number of representative members in this section shall not exceed in all seventy-five, together with the past presidents of the association who at the time of holding office were members of the civic section or the city council section. The composition of the civic section of the membership shall, however, be subject to such alterations or additions as may from time to time be decided upon by the majority vote of all of the directors of the association.

- (6) The agricultural section shall consist of the following members or members from each of the following bodies or organizations to be appointed annually by the said bodies or organizations, namely:

- The President of The Ontario Agricultural College,
- The Principal of The Ridgeway Agricultural School,
- The Warden of the County of Middlesex,
- 1 member from The Canadian Thoroughbred Horse Society,
- 1 member from The Canadian Hackney Horse Society,
- 1 member from The Canadian Standard Bred Horse Society,
- 1 member from The Canadian Pony Society,
- 1 member from The Canadian Hunter Society,

- 1 member from The Clydesdale Horse Association of Canada,
- 1 member from The Ontario Clydesdale Club,
- 1 member from The Canadian Belgian Horse Association,
- 1 member from The Canadian Percheron Horse Association,
- 1 member from The Ontario Percheron Club,
- 1 member from The Ontario Horse Breeders' Association,
- 1 member from The Canadian Shorthorn Association,
- 1 member from The Ontario Shorthorn Club,
- 1 member from The Canadian Hereford Breeders' Association,
- 1 member from The Ontario Hereford Breeders' Association,
- 1 member from Canadian Aberdeen-Angus Association,
- 1 member from Ontario Aberdeen-Angus Association,
- 1 member from Ontario Cattle Breeders' Association,
- 1 member from The Ontario Beef Producers' Association,
- 2 members from The Holstein-Friesian Association of Canada,
- 2 members from The Canadian Ayrshire Breeders' Association,
- 1 member from The Canadian Jersey Cattle Club,
- 1 member from The Western Ontario Jersey Club,
- 1 member from The Canadian Guernsey Breeders' Association,
- 1 member from The Ontario Guernsey Breeders' Association,
- 1 member from The Canadian Sheep Breeders' Association,
- 2 members from The Ontario Sheep Breeders' Association,
- 1 member from The Canadian Swine Breeders' Association,
- 1 member from The Ontario Swine Breeders' Association,
- 1 member from The Ontario Yorkshire Club,
- 1 member from The Ontario Poultry Association,
- 1 member from The London Poultry Association,
- 1 member from The Ontario Poultry Industries Association,
- 1 member from The Ontario Crop Improvement Association,
- 1 member from The Middlesex Branch of The Ontario Crop Improvement Association,
- 1 member from The Western Ontario Dairymen's Association,

- 1 member from The Ontario Creamery Association,
- 1 member from The Ontario Beekeepers' Association,
- 2 members from The Ontario Fruit Growers' Association,
- 2 members from The London Branch of The Ontario Vegetable Growers' Association,
- 1 member from The Allied Florists & Growers Association Incorporated,
- 2 members from The London Horticultural Society,
- 2 members from The London Branch of The Ontario Florists and Gardeners,
- 1 member from The Canadian Kennel Club,
- 2 members from The Ontario Association of Agricultural Societies,
- 2 members from the Middlesex County Council,
- 1 member from the Middlesex Federation of Agriculture,
- 1 member from Middlesex Junior Farmers,
- 1 member from Middlesex Junior Institute,
- 2 members from The Women's Institute, Western Ontario,
- 1 member from The Ontario Veterinary Association,
- and
- 1 member from The London Canine Association,

together with such other members as may from time to time be admitted to membership in the association by the directors, provided that the total number of representative members in this section shall not exceed in all seventy-five, together with the past presidents of the association who at the time of holding office were members of the agricultural section. The composition of the agricultural section of the membership shall, however, be subject to such alterations or additions as may from time to time be decided upon by the majority vote of the directors of the Association.

(3) Section 9 of the said Act is repealed and the following ^{1887,} substituted therefor: _{c. 89, s. 9, re-enacted.}

9. The affairs of the association shall be managed by a ^{Directors.} board of twenty-seven directors consisting of the members of the city council section and eighteen elected directors, nine of whom shall be elected from and by the members of the civic section and nine from and by the members of the agricultural section of the membership, the warden of the County of Middlesex and the past presidents of the association shall *ex officio* be members of the board of directors. The election of directors shall take place annually

and shall be conducted in such manner as may from time to time be prescribed by the by-laws of the association.

1887,
c. 89, s. 17,
amended.

(4) Section 17 of the said Act is amended by striking out the words and figures "sections 486, 487, 488 and 489 of *The Consolidated Municipal Act, 1883*, which sections are hereby declared applicable" in the sixth, seventh and eighth lines and inserting in lieu thereof the words "*The Municipal Act*, and all amendments thereto and as the same may be further amended from time to time."

1887,
c. 89, s. 18,
repealed.

(5) Section 18 of the said Act is repealed.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of London Act, 1946*.

SCHEDULE A

THIS AGREEMENT made (in triplicate) this 24th day of August, A.D. 1944,

BETWEEN:

THE CORPORATION OF THE CITY OF LONDON (hereinafter called the "City"),

OF THE FIRST PART;

HIS MAJESTY, THE KING, IN RIGHT OF CANADA, herein represented by the Honourable the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited (hereinafter called "His Majesty"),

OF THE SECOND PART;

—and—

WARTIME HOUSING LIMITED, a company incorporated under *The Dominion Companies Act*, pursuant to the provisions of *The Department of Munitions and Supply Act*, being Statutes of Canada, 4 George VI, chapter 3, as amended (hereinafter called the "Company"),

OF THE THIRD PART.

WHEREAS the City is the registered owner, in fee simple, of various parcels of vacant land within the limits of the Municipality of the City of London, situate on public streets having sidewalks, water mains and sewers and street lighting services already constructed and installed therein and thereon;

AND WHEREAS there is a serious shortage of housing accommodation within the said Municipality and the City, being desirous of taking steps to alleviate such shortage, has requested His Majesty to provide additional housing accommodation within the limits of the City of London;

AND WHEREAS His Majesty has agreed to provide such additional housing accommodation of the types, to the extent, and for the purposes, and upon the terms and conditions all as hereinafter set forth, upon the condition that the City convey to His Majesty the land necessary to provide such additional accommodation, which the City has agreed to do for the consideration and upon the terms and conditions hereinafter mentioned and set forth;

AND WHEREAS the Minister of Munitions and Supply of Canada has duly delegated to the Company the power and duty of providing the said additional housing accommodation upon the terms and conditions of this agreement, and pursuant to such delegation and in the exercise and discharge of such power and duty the Company enters into and executes this agreement;

NOW THEREFORE THIS AGREEMENT WITNESSETH that the parties hereto hereby mutually covenant and agree as follows:

1. The City shall convey to His Majesty, in fee simple, free and clear from all encumbrances, including taxes and local improvement rates charged to the date of the said conveyance, such of the said parcels of vacant land owned by the City as aforesaid as are set forth in the schedule hereunto annexed marked "A" (such parcels of land and such schedule being hereinafter referred to respectively as the building lots and the schedule), by deeds or transfers approved by the solicitors for His Majesty.

2. His Majesty, in consideration of the conveyance provided for in the next preceding clause, shall pay or cause to be paid to the City the

sum of One Dollar for each of the building lots, such sum to be paid upon the execution and delivery of the deed or transfer of each such portion.

3. Upon the execution and delivery of the conveyances provided for in clause 1 hereof His Majesty, or the Company, shall:

- (a) At his or its own cost and expense proceed forthwith to erect on each of the building lots so conveyed and set forth in the schedule, a house of such type as His Majesty, in his sole discretion, may deem advisable, to cost on the average approximately Three Thousand dollars each, to be of frame construction on cement blocks or solid concrete foundation, to consist of any of the three types of houses shown on the plans of the Company, numbers H. 1, H. 5, drawings number 1-6, inclusive; numbers H. 12, H. 15, drawings number 1-7, inclusive; and H. 21, H. 23, drawings number 1-6, inclusive, and to be constructed in accordance with the specifications of the Company dated the 12th day of July, 1944, subject to the availability of the several materials and to the provisions of wartime regulations (which plans and specifications are filed with the City Clerk) to be equipped with heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds, and to be so erected and equipped with all due diligence and expedition (such houses being hereinafter referred to as "the houses"); and
- (b) Install under the supervision, and to the satisfaction of the City Engineer of the City, all necessary water service and private drain connections from the water mains and sewers of the City to the houses, or the City shall make such installations and His Majesty or the Company shall pay to the City its costs thereof forthwith upon receiving accounts therefor, the certificate of the said City Engineer as to the amount of such cost to be conclusive evidence of the same and to be final and binding on the parties hereto. Provided that such installations shall in all cases include such re-laying of the pavement on the street destroyed in effecting such installations, as in the opinion of the said City Engineer shall be necessary and proper. Provided also, and it is hereby expressly declared and agreed by and between the parties hereto, that upon the completion of all such installations the portions of such connections lying within the boundaries of public streets shall become the sole property of the City without the payment of any compensation whatever therefor by the City to His Majesty and/or the Company, and shall thereafter be maintained and repaired by the City at its own cost and expense, except the cost of repairs to any private drain connection that has become blocked or obstructed by causes other than faulty construction of such connection, which cost of repairs shall be paid by His Majesty or the Company to the City.

4. Upon the erection and equipping of the houses as in clause 3 hereof provided, the Company shall lease the houses and lands appurtenant thereto respectively (to soldiers, sailors or airmen of the three armed forces of Canada returned from general service in the present war and/or their dependents and to the dependents of any soldier, sailor or airman of such forces who is on general service outside Canada, or who has been killed on active service in such war), at rents ranging from Twenty-two dollars to Thirty dollars per month per house; provided, however, that whenever and so often as during the currency of this agreement any of the houses is or becomes vacant and there are no applications of any such soldier, sailor, airman or dependents acceptable to and filed with the Company, the Company shall have the right to lease the same at the rents aforesaid to whomever it shall determine. And it is hereby expressly declared and agreed by and between the parties hereto that all water and electric current supply rates or charges in respect to the houses shall not be assessed or charged against the lands and premises so leased, it being understood that the same are to be paid by the respective lessees.

5. His Majesty and/or the Company, at their own cost and expense, shall undertake and carry out the management and control of the houses

and all appurtenances thereto belonging and shall at all times during the currency of this agreement, well and sufficiently repair, maintain, amend and keep the houses with the appurtenances and all fixtures and things thereto belonging in good and substantial repair, reasonable wear and tear and damage by fire, lightning, tempest, acts of God and His Majesty's enemies only excepted.

6. His Majesty and/or the Company shall pay to the City on the first day of the month of October in each of the years 1944 to 1954, both inclusive, in lieu of taxes on the building lots, the following annual amounts:

- (a) The sum of Twenty-four dollars in respect of each of the houses containing two bedrooms, and
- (b) The sum of Thirty dollars in respect of each of the houses containing more than two bedrooms. Provided that the said payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

7. His Majesty and/or the Company, in addition to the payments provided for in clause 6 hereof, shall pay to the City on the first day of the month of October in each of the years 1944 to 1954, both inclusive, the sum of One dollar in respect of each of the houses, in consideration for the street lighting services for the houses to be provided by the City. Provided that such payments shall be pro rated in respect of the portion of the first year in which each of the houses is constructed.

8. That in consideration of the payments provided for in clauses 6 and 7 hereof the City shall not levy or collect or permit to be levied or collected any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the tenants or occupiers of the houses while the same are owned by His Majesty. Provided that nothing contained in this clause shall be deemed to limit the right of the City to charge the tenants or occupiers of the houses while the same are owned by His Majesty, public utility rates and/or charges provided for in clause 4 hereof, or to collect from such tenants or occupiers any license or permit fees or dog tax or business tax which the City has the right to collect from inhabitants of the Municipality of the City of London. Nothing in this agreement contained shall limit the right of the Municipality to collect poll tax from any person resident in the living accommodation.

9. This agreement shall only affect such of the houses and lands appurtenant thereto while owned by His Majesty, and that His Majesty shall be at liberty to sell or convey any or all of the houses and lands appurtenant thereto at such time or times as His Majesty may see fit. Provided however that no sale or conveyance shall at any time be made to any person, firm, corporation or body exempt from full or any municipal assessment and taxation at the time of such sale or conveyance. Provided further that in the event of any of the houses and lands appurtenant thereto being sold by His Majesty, His Majesty shall pay to the municipality at the time of such sale the sum of Four hundred dollars in payment of each building lot so sold during the period between the date of this agreement and the Thirtieth day of September, 1949, both days inclusive, and the sum of Two hundred dollars in payment of each building lot so sold during the period between the First day of October, 1949, and the Thirtieth day of September, 1954, both days inclusive. Provided further that in the year that any such house or houses and the lands appurtenant thereto are so sold by His Majesty, the payments provided for in clauses 6 and 7 hereof shall be pro rated in respect of the portion of the year in which each house and the lands appurtenant thereto cease to be owned by His Majesty, and such lands and houses shall forthwith upon such sale immediately become subject to all taxes and local improvement rates which would be assessed and charged against such lands and houses had it not been for the provisions of this agreement, and the ownership thereof by His Majesty and/or the Company.

10. His Majesty, in consideration of the City entering into and executing these presents, hereby gives to the City an option, irrevocable within the time for acceptance herein limited, to purchase, free from all

encumbrances (save and except any encumbrance which may be registered against the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the building lots then owned by His Majesty as a whole and not individual parcels thereof, together with all houses, buildings, fences, erections and fixtures whatsoever then erected and constructed thereon or contained therein and owned by His Majesty and/or the Company (such fixtures to include but not so as to limit the generality of the foregoing, heaters, hot water tanks, bath tubs, wash basins, sinks, toilets, light fixtures and blinds) for the sum of One thousand dollars for each of the houses. The option hereby given shall be open for acceptance at any time from the 1st day of October to the 31st day of December, 1954, both days inclusive, and may be accepted by a letter under the hands of the Mayor and Treasurer of the City and sealed with the Corporate Seal of the City, mailed, postage prepaid and registered, addressed to His Majesty, care of the Company, at 55 York Street, Toronto, stating therein that this option is accepted and by paying to His Majesty forthwith ten per centum of the said purchase price. The balance of the said purchase price, subject to adjustments, shall be paid within sixty days from the date of acceptance, all adjustments to be made as of the 31st day of December, 1954, and the conveyance of the building lots with the appurtenances aforesaid shall be by deeds or transfers approved by the solicitor for the City.

11. Should the City fail to exercise the option to purchase mentioned in clause 10 hereof, His Majesty shall have the right to sell such of the building lots as are then owned by him without payment to the City of any sum whatsoever on the sale of such lands, and His Majesty and/or the Company, from and after the 1st day of January, 1955, shall pay annually to the City in respect of each of the building lots and buildings thereon, while owned by His Majesty, in lieu of taxes, a sum equal to the amount of taxes, rates and/or assessments, including local improvement rates, that would have been payable in respect of each of the building lots and buildings thereon if the same had been owned by a non-exempt person, company and/or corporation; such sum to be paid to the City on or before the 1st day of October in each year commencing with the year 1955. Provided that such payments in lieu of taxes shall be pro rated in respect of the portion of the year in which each of the building lots ceases to be owned by His Majesty.

12. That any existing or future provisions of the by-laws of the City with respect to the manner, mode, location and type of construction of buildings shall not apply to any of the houses whether owned by His Majesty or otherwise.

13. In the event that any of the houses is damaged by fire or the elements or otherwise prior to the 1st day of January, 1955, so as in the opinion of His Majesty to render the same uninhabitable, His Majesty or the Company may at their discretion either repair such damage or completely remove the remains of such damaged house from the portion of the building lots appurtenant thereto. In the event of the removal of such damaged house His Majesty shall convey to the City, in fee simple, free from all encumbrances (save and except any encumbrance which may be registered against such portion of the building lots at the time of the delivery of the deeds or transfers provided for in clause 1 hereof) the said portion of the building lots, such conveyance to be by a deed or transfer approved by the solicitor for the City.

14. The City, at its own cost and expense, shall take all possible steps to obtain, at the next ensuing session of the Legislature of the Province of Ontario, legislation validating and confirming this agreement and empowering the City to carry out its terms and provisions.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective corporate seals attested by the hands of their respective officers in that behalf duly authorized.

SIGNED, SEALED AND DELIVERED

In the presence of:

(Sgd.) E. GROVER.

THE CORPORATION OF THE CITY OF
LONDON

(Seal)

(Sgd.) W. J. HEAMAN,
Mayor,

(Sgd.) NORA TOLL,
Clerk.

HIS MAJESTY, THE KING, IN THE
RIGHT OF CANADA, herein represented by the Minister of Munitions and Supply of Canada, acting through Wartime Housing Limited

(Sgd.) JOSEPH M. PIGGOTT (Seal)

(Sgd.) THOMAS GRAY. (Seal)

WARTIME HOUSING LIMITED

(Sgd.) JOSEPH M. PIGGOTT.

(Sgd.) THOMAS GRAY.

LIST OF LOTS FOR WARTIME HOUSING LTD.

SCHEDULE "A"

Parcel No.	No. of Lots	Dimensions	Plan	Street	Description
1	1	52'10" x 106'6"	511	East	Part of Lot No. 1 on the East side of East Street (see attached description).
2	1	49'6" x 106'6"	511	Giles	Lot 80 and the Southerly half of Lot No. 79 on the West side of Giles Street.
3	1	" x "	"	"	Lot No. 78 and the Northerly half of Lot No. 79 on the West side of Giles Street.
4	1	" x "	"	"	Lot No. 123 and the Northerly half of Lot No. 122 on the East side of Giles Street.
5	1	" x "	"	"	Lot No. 121 and the Southerly half of Lot No. 122 on the East side of Giles Street
6	1	45' x 147'4"	438	East	Lot No. 33 on the West side of East Street.
7	1	45' x 147'6"	438	"	Lot No. 30 and the Southerly half of Lot No. 31 on the West side of East Street.
8	1	44' x 106'3"	511	Giles	Lot No. 107 and the Northerly 11' of Lot No. 106 on the East side of Giles Street.
9	1	42' x 104'6"	517	"	Lot No. 149 and the Northerly 7' of Lot No. 150 on the East side of Giles Street
10	1	" x "	"	"	The Southerly 28' of Lot No. 150 and the Northerly 14' of Lot No. 151 on the East side of Giles Street.
11	1	" x "	"	"	The Southerly 21' of Lot No. 151 and the Northerly 21' of Lot No. 152 on the East side of Giles Street.
12	1	" x "	"	"	The Southerly 14' of Lot No. 152 and the Northerly 28' of Lot No. 153 on the East side of Giles Street.
13	1	" x "	"	"	Lot No. 154 and the Southerly 7' of Lot No. 153 on the East side of Giles Street.
14	1	40' x 103' more or less	"	"	Lot No. 120 and the Northerly 5' of Lot No. 121 on the West side of Giles Street.
15	1	" x "	"	"	The Southerly 30' of Lot No. 121 and the Northerly 10' of Lot No. 122 on the West side of Giles Street.
16	1	" x "	"	"	The Southerly 25' of Lot No. 122 and the Northerly 15' of Lot No. 123 on the West side of Giles Street.
17	1	" x "	"	"	The Southerly 20' of Lot No. 123 and the Northerly 20' of Lot No. 124 on the West side of Giles Street.
18	1	" x "	"	"	The Southerly 15' of Lot No. 124 and the Northerly 25' of Lot No. 125 on the West side of Giles Street.
19	1	" x "	"	"	The Southerly 10' of Lot No. 125 and the Northerly 30' of Lot No. 126 on the West side of Giles Street.
20	1	" x "	"	"	The Southerly 5' of Lot No. 126 and Lot No. 127 on the West side of Giles Street.
21	1	39'8" x 106'6"	266	Giles	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).

Parcel No.	No. of Lots	Dimensions	Plan	Street	Description
22	1	" x "	"	"	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
23	1	" x "	"	"	Part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
24	1	39'10"x106'6"	{266 511}	"	Lot No. 126 West Giles Street (Plan 511) and part of Lot No. 2 on the West side of Highbury Avenue (see description attached).
25	1	38'4"x144'8 1/2"			
26	1	38'4"x144'10"	438	East	Lot No. 54 and the Northerly 11'4" of Lot No. 53 on the West side of East Street.
27	1	more or less	"	"	The Southerly 18'8" of Lot No. 53 and the Northerly 19'8" of Lot No. 52 on the West side of East Street.
28	1	38'4"x144'11"	"	"	The Southerly 10'4" of Lot No. 52 and the Northerly 28' of Lot No. 51 on the West side of East Street.
29	1	more or less	"	"	The Southerly 24' of Lot No. 49 and the Northerly 14' of Lot No. 48 on the West side of East Street.
30	1	38'x145' more or less	438	East	The Southerly 16' of Lot No. 48 and the Northerly 22' of Lot No. 37 on the West side of East Street.
31	1	" x "	"	"	The Southerly 8' of Lot No. 47 and Lot No. 46 on the West side of East Street.
32	1	36'8"x106'6"	517	Giles	Lot No. 138 on the West side of Giles Street.
33	1	35'x106'6"	519	"	Lot No. 6 on the East side of Giles Street.
34	1	" x "	522	"	Lot No. 8 on the East side of Giles Street.
35	1	" x "	"	"	Lot No. 10 on the East side of Giles Street.
36	1	" x "	"	"	Lot No. 11 on the East side of Giles Street.
37	1	35'x105' more or less	517	"	Lot No. 128 on the West side of Giles Street.
38	1	" x "	"	"	Lot No. 132 on the West side of Giles Street.
39	1	" x "	"	"	Lot No. 134 on the West side of Giles Street.
40	1	" x "	"	"	Lot No. 137 on the West side of Giles Street.
41	1	35'x106'6"	519	"	Lot No. 10 on the West side of Giles Street.
42	1	" x "	"	"	Lot No. 11 on the West side of Giles Street.
43	1	" x "	"	"	Lot No. 12 on the West side of Giles Street.
44	1	35'x106'6"	517	East	Lot No. 25 on the East side of East Street.
45	1	" x "	"	"	Lot No. 26 on the East side of East Street.
46	1	" x "	"	"	Lot No. 28 on the East side of East Street.
47	1	" x "	"	"	Lot No. 29 on the East side of East Street.
	1	" x "	526	"	Lot No. 2 on the East side of East Street.

48	1	35'x106'6"	526	East	Lot No. 3 on the East side of East Street.
49	1	" x "	"	"	Lot No. 8 on the East side of East Street.
50	1	33'x106'6"	511	Giles	Lot No. 85 on the West side of Giles Street.

DESCRIPTION OF PARCEL NO. 1 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 1 on the East side of East Street in the City of London, according to Registered Plan No. 511, and more particularly described as follows:

Commencing at the South-westerly angle of the said lot; thence Northerly along the East side of East Street 52'10"; thence Easterly parallel with the southerly limit of the said lot 53' more or less to the Northerly limit of the said lot; thence Easterly along the Northerly limit of the said lot 61'6" more or less to the North-easterly angle thereof; thence Southerly along the Easterly limit of the said lot 20'11" more or less to the South-easterly angle of the said lot and thence Westerly along the Southerly limit of the said lot 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 21 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at the South-westerly angle of Lot No. 12 on the East side of Giles Street in the City of London, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'8"; thence Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" to the South-easterly angle of the said Lot No. 12 and thence Westerly along the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 22 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street distant 39'8" Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the Easterly limit of Giles Street 39'8"; thence Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" more or less to a point distant 39'8" Southerly from the South-easterly angle of the said Lot No. 12 and thence Westerly parallel with the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 23 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street distant 79'4" Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'8"; thence

Easterly parallel with the Southerly limit of Lot No. 12 aforesaid 106'6"; thence Northerly parallel with the Easterly limit of Giles Street 39'8" more or less to a point distant 79'4" Southerly from the South-easterly angle of the said Lot No. 12 and thence Westerly parallel with the Southerly limit of the said Lot No. 12, 106'6" more or less to the place of beginning.

DESCRIPTION OF PARCEL NO. 24 OF LOTS FOR WARTIME HOUSING LTD.:

Being composed of part of Lot No. 2 on the West side of Highbury Avenue in the City of London, according to Registered Plan No. 266, and part of Lot No. 126 on the East side of Giles Street in the City of London, according to Registered Plan No. 511, and more particularly described as follows:

Commencing at a point in the Easterly limit of Giles Street 119' Southerly along the said limit from the South-westerly angle of Lot No. 12 on the East side of Giles Street, according to Registered Plan No. 522; thence Southerly along the East side of Giles Street 39'10" more or less to the South-westerly angle of Lot No. 126 aforesaid; thence Easterly along the Southerly limit of the said Lot No. 126, 106'6" more or less to the South-easterly angle thereof; thence Northerly along the Easterly limit of the said lot and its production Northerly in a straight line 42'1" more or less to a point distant 119' Southerly from the South-easterly angle of Lot No. 12 on the East side of Giles Street aforesaid; thence Westerly parallel with the Southerly limit of Lot No. 12, 106'6" more or less to the place of beginning.



An Act respecting the City of London.

1st Reading

March 6th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. PATRICK

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Sacred Heart College of Sudbury.

MR. CARLIN

(PRIVATE BILL)

BILL

An Act respecting Sacred Heart College of Sudbury.

WHEREAS Sacred Heart College of Sudbury has by its ^{Preamble.} petition represented that it was incorporated by an Act entitled *An Act to Incorporate Sacred Heart College of Sudbury*, being chapter 131, of the Statutes of Ontario, 1914; ^{1914,} that it desires to change its name to "University of Sudbury" ^{c. 131.} and to amend the said Act in respect of its powers and to provide for a board of governors; and whereas the petitioner has prayed that an Act for such purposes may be passed; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The name "Sacred Heart College of Sudbury" is ^{Change} hereby changed to "University of Sudbury" and the corporate ^{of name.} existence of the said College continued under the latter name.

(2) Wherever the word "Corporation" appears in the said ^{"Corpora-} Act entitled *An Act to Incorporate Sacred Heart College of* ^{tion".} *Sudbury*, it shall refer to the University of Sudbury. ^{1914, c. 131.}

2.—(1) The said Act entitled *An Act to Incorporate Sacred* ^{1914, c. 131,} *Heart College of Sudbury* is amended by adding thereto the ^{amended.} following section:

5a.—(1) The Board of Directors of the Corporation may ^{Board of} appoint and constitute a Board of Governors ^{Governors.} consisting of not less than ten and not more than twenty-one persons who shall be British subjects.

(2) The Board of Governors shall act in an advisory ^{Idem.} capacity to the Board of Directors so as to promote the interests of the Corporation.

(3) The Board of Directors may delegate to the Board ^{Idem.} of Governors such of its powers and functions as may be deemed to be in the interests of the Corporation.

1914, c. 131, ss. 6, 7 re-enacted. (2) Sections 6 and 7 of the said Act are repealed and the following substituted therefor:

Objects.

6. The objects of the Corporation are to maintain and operate the University in order to promote the intellectual, moral and physical welfare of its students and teaching staff.

Powers.

7. The Corporation may:

- (a) promote and teach the arts and sciences, law, medicine, engineering, agriculture, commerce and finance, and every other branch of learning;
- (b) provide for the delivery and holding of lectures, exhibitions, classes and conferences calculated to advance learning;
- (c) establish colleges, faculties, schools and other similar institutions;
- (d) appoint such professors, associate professors, lecturers, instructors and other officers and servants as may be necessary for carrying the objects of the Corporation into effect;
- (e) conduct examinations and award certificates, diplomas and degrees including honorary degrees in all branches of learning; and
- (f) enter into agreements of federation, affiliation or association with any university, college, school, seminary or other institution of learning.

1914, c. 131, ss. 9, 10, 11, 12 re-enacted. (3) Sections 9, 10 and 11 of the said Act and section 12 of the said Act as amended by section 1 of the Act entitled *An Act respecting Sacred Heart College of Sudbury*, being chapter 103 of the Statutes of Ontario, 1928, are repealed and the following substituted therefor:

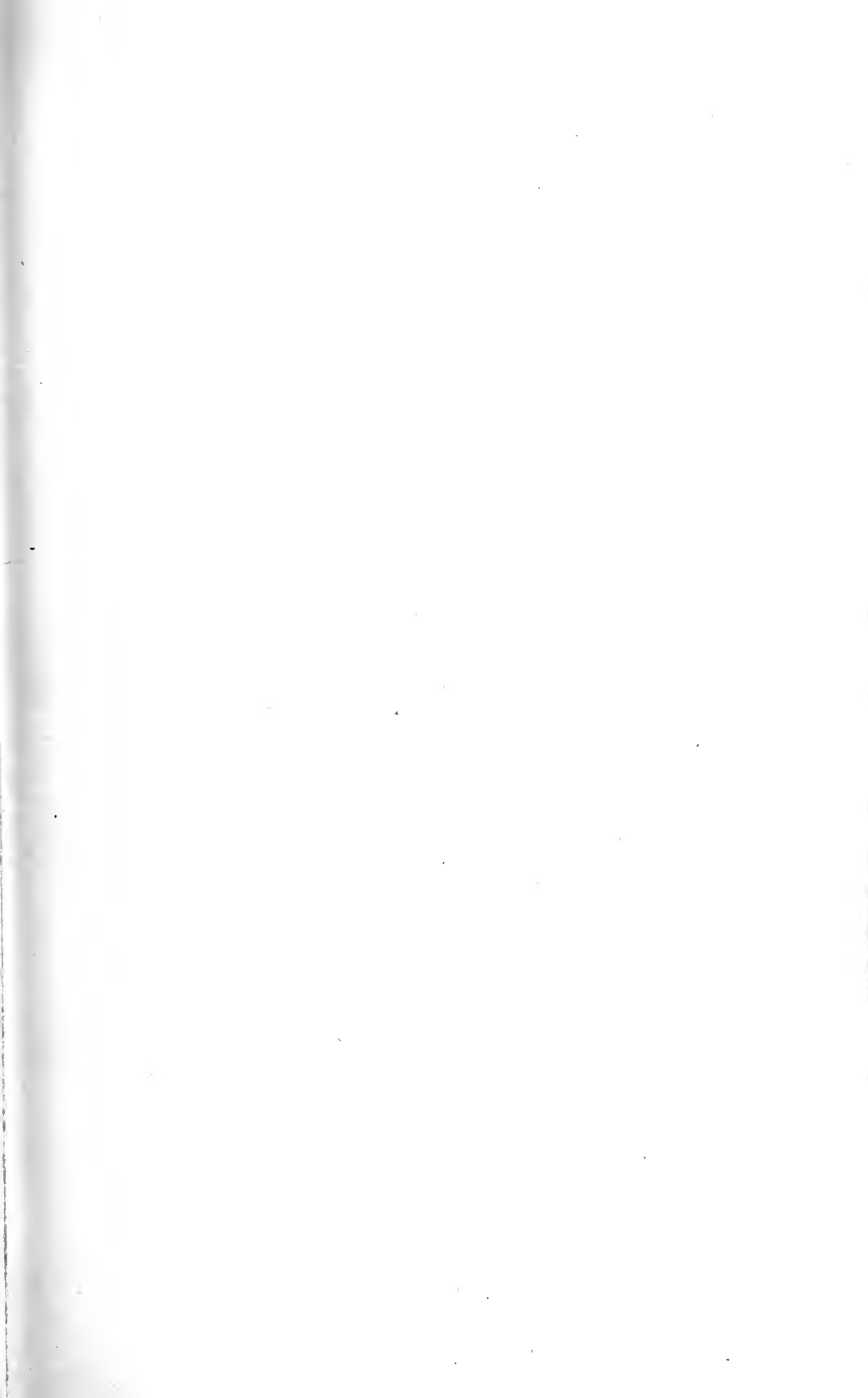
Power to borrow.

9. The Corporation shall have power to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for any loan any property, real or personal, vested in or held by it.

Power to hold property.

Rev. Stat., c. 1.

10. The Corporation shall have in addition to the powers, rights and privileges mentioned in section 28 of *The Interpretation Act*, power to purchase, acquire, take and hold by gift, devise or otherwise, real and per-



sonal property for the purposes of the Corporation without license in mortmain and may grant, sell, mortgage, lease or otherwise dispose of such property or any part thereof.

11. The Lieutenant-Governor of Ontario shall be a visitor of the Corporation. Lieutenant-Governor to be visitor.

12.—(1) The Board of Directors shall report to the Lieutenant-Governor of Ontario at such time or times as he may appoint upon the conduct and management of the affairs of the Corporation and shall, when required by the Lieutenant-Governor, inquire into, examine and report upon every matter concerning the Corporation. Reports to Lieutenant-Governor.

(2) A copy of the annual report of the Corporation and of such other reports as may be made under subsection 1 shall be laid before the Assembly at the Session next following the making thereof. Reports to be laid before Assembly.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The University of Sudbury Act, 1946*. Short title.

BILL

An Act respecting Sacred Heart
College of Sudbury.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. CARLIN

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Stamford.

MR. HANNIWELL

(PRIVATE BILL)

BILL

An Act respecting the Township of Stamford.

WHEREAS the Corporation of the Township of Stamford has by its petition prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. For the purpose of section 12 of *The Assessment Act* the Township of Stamford shall be deemed a town, and the said section shall be applicable to the Township accordingly. Township to be deemed a town for certain purposes.

2. Notwithstanding the provisions of any other Act, excepting only section 23 of *The Municipal Act* as re-enacted by section 2 of *The Municipal Amendment Act, 1939*, the Township or any part thereof shall not be annexed to any adjoining municipality, nor shall any part thereof be incorporated as a municipality separate and apart from the Township without the assent of the municipal electors of the Township entitled to vote on money by-laws obtained on the submission of a question for that purpose in conformity with the provisions of *The Municipal Act*. Rev. Stat., c. 272.
Annexation, etc.
Rev. Stat., c. 266.
1939, c. 30.

3. By-laws may be passed by the council of the Township for licensing, regulating and governing tourist camps and trailer camps and for fixing the fee to be charged for the license and for revoking any such license. Power to license, etc., tourist camps, etc.

(a) For the purpose of this section a "tourist camp" shall mean any house, building, structure, tent or vehicle, or portion thereof, in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, but shall not include an hotel within the meaning of *The Hotel Registration of Guests Act, 1944*. 1944, c. 25.

- (b) For the purpose of this section a "trailer camp" shall mean any land in or upon which for hire, gain, rental, fee, license or other reward or remuneration, any vehicle, conveyance or structure, whether the same is upon wheels or self-propellable or a fixture, or not, may be stood, placed, kept or maintained and which vehicle, conveyance or structure is used by any person as a place in which to eat, sleep or reside, temporarily or otherwise.

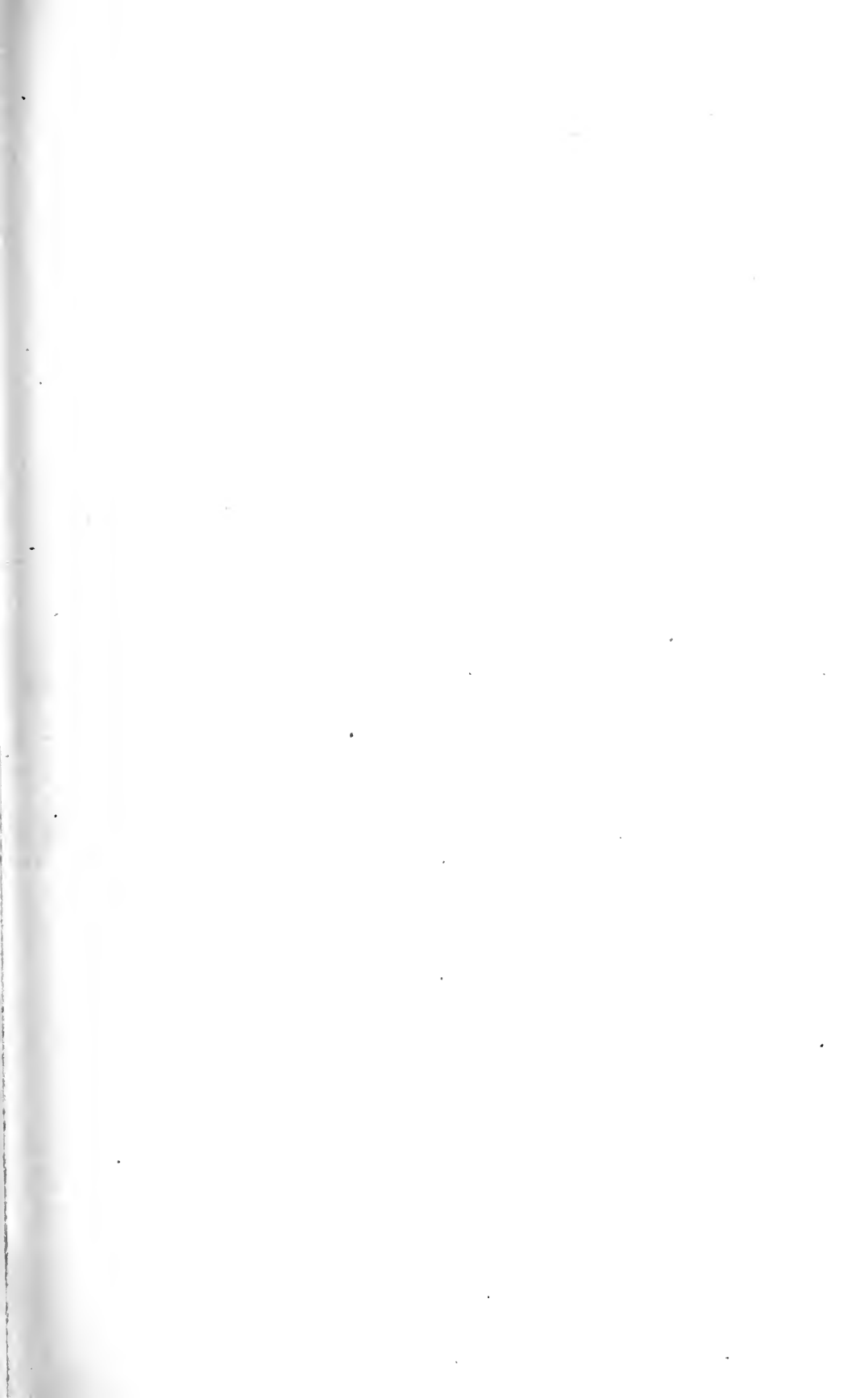
Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Township of Stamford Act, 1946*.





BILL

An Act respecting the Township of
Stanford.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. HANNIWELL

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to incorporate the Kingsboro Club.

MR. ALLAN

(PRIVATE BILL)

BILL

An Act to incorporate the Kingsboro Club.

WHEREAS the petitioners have by their petition prayed ^{Preamble.} that an Act may be passed to incorporate the Kingsboro Club with the objects and powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. William A. Armstrong, Personnel Manager, Harold J. ^{Kingsboro Club incor-} Badden, Accountant, E. Roy Butler, Manager, Frank M. Dowsett, Advertising Counsel, Frank C. Fletcher, Manager, W. Earle Gordon, Managing Director, Stanley L. Holland, Distributor, Arthur W. Hutchinson, Realtor, Herman L. D. Kallmeyer, Sales Manager, Carman Mainprize, Druggist, Colin D. McKinnon, Executive Assistant, Wilson E. McLean, Barrister, Robert S. Parish, Salesman, Godfrey S. Pettit, Realtor, Neil P. Peterson, Manufacturer, Arthur P. Reid, Vice-President and Managing Director, Fred G. Reid, Income Tax Expert, Harry C. Schwegler, Division Traffic Superintendent, Clive M. Sinclair, Barrister, Dr. Leo Schumacher, Dentist, and Harry C. Startup, Salesman, all of the City of Toronto, in the County of York, in the Province of Ontario, together with such other persons as become shareholders in the corporation hereby incorporated, are hereby constituted a body corporate and politic under the name "Kingsboro Club", hereinafter called "the club".

2.—(1) The amount of capital of the club shall be three ^{Capital.} hundred thousand dollars.

(2) The capital stock of the club shall be divided into six ^{Shares.} thousand shares of fifty dollars each.

(3) The club shall have power to sell the shares at such ^{Sale of} price and on such terms as may be provided from time to time ^{shares.} by resolution of the board of governors.

Head office. **3.** The head office of the club shall be at or near the City of Toronto, in the County of York, in the Province of Ontario.

Objects and powers. **4.—(1)** The objects of the club shall be and it shall have power,—

- (a) to promote, organize, conduct and manage a sports, recreational, social and educational club and to promote the welfare of the members thereof;
- (b) to purchase, take on lease, build, hire or otherwise acquire for the purpose of or for use in connection with the club or club house, any lands, buildings, and other hereditaments, furniture, fixtures, machinery, fittings, equipment and other chattels, and to sell, mortgage, lease, surrender or let on hire all or any of the same, and to enter into and execute such building and other contracts as may be deemed advisable;
- (c) to erect, maintain, alter or improve any building or buildings for the purposes of the club;
- (d) to borrow money for the purposes of the club upon bank or other loan, upon pledge, hypothecation or mortgage of any or all of the property of the club and by the issue of bonds, debentures, debenture stock or other securities and to pledge or sell such bonds, debentures, or debenture stock or other securities for such sum and at such prices as may be deemed expedient or be necessary;
- (e) to pay for any property acquired by the club and any labour or services performed for or expenses incurred by the club in the capital stock of the club fully or partly paid up;
- (f) to invest and deal with any of the moneys of the club not immediately required for the purposes thereof upon such securities and in such manner as may be thought fit, and from time to time to vary or realize such investments; and
- (g) to afford all the usual privileges, advantages, conveniences and accommodation of a sports, recreational, social and educational club.

Income. **(2)** No part of the income of the club shall inure to the benefit of any member or shareholder of the club.

Board of governors. **5.—(1)** The affairs of the club shall be under the management of a board of governors, the number of whom and the method of whose election shall be governed by the by-laws of the club.



(2) The election of governors and all other questions voted ^{Election.} on at a meeting of shareholders shall be decided by a plurality of the votes of the shareholders present in person; but no shareholder shall be entitled to more than one vote.

(3) Subject to the provisions of section 6 the members of ^{Term.} the board of governors shall continue in office for three years. unless the by-laws of the club otherwise provide, and until their successors have been appointed.

(4) If any vacancy occurs in the board the remaining ^{Vacancies.} governors shall supply such vacancy for the balance of the term.

6. The persons named in section 1 shall constitute the first ^{First board of governors.} board of governors and they shall hold office as such until their successors are appointed in accordance with this Act or the by-laws of the club, but of the members of the first board of governors one-third shall retire at the end of their term of office, one third shall retire at the end of four years and the remaining third shall retire at the end of five years. The board of governors may, by resolution, prescribe the method of determining the retirements herein provided.

7.—(1) The board of governors may delegate any of their ^{Governors may delegate powers.} powers to committees consisting of such member or members of the club as they think fit.

(2) Any commtiteec so formed shall in the exercise of the ^{Idem.} powers so delegated, conform and be subject to any directions, restrictions and regulations that may from time to time be imposed upon them by the board of governors.

8.—(1) No transfer of any share or shares of the club ^{Transfer of shares.} shall be made except by consent of the board of governors.

(2) All shares shall be transferred on the books of the club ^{Idem.} in such manner and subject to such restrictions and regulations as may be imposed by the by-laws of the club.

(3) Calls may be made upon such shares in such instalments ^{Calls.} and upon such notice as shall be regulated by the by-laws of the club.

(4) The club shall have power to repurchase and recall its ^{Repurchase and resale of shares.} own shares at such prices as it may deem advisable, but it shall not hold or own more than three hundred repurchased shares at any one time.

9. The club shall be entitled to treat the registered holder ^{Share register.} of any share as the absolute owner thereof, and accordingly

shall not, except as ordered by a court of competent jurisdiction, be bound to recognize any equitable or other claim to or interest in such share on the part of any other person.

Lien on
shares.

10. The club shall have a first and paramount lien upon all the shares registered in the name of each member (whether solely or jointly with others) and upon the proceeds of the sale thereof for his dues, fees, fines, penalties and engagements, solely or jointly with any other person, to or with the club, whether the period for the payment, fulfilment or discharge thereof shall have actually arrived or not and for the dues, fees, fines, penalties and engagements of any member of his family and person entitled to the privileges of the club by virtue of his being a shareholder, and no equitable interest in any share shall be created except upon the condition that section 9 is to have full effect. Unless otherwise agreed, the registration of a transfer of shares shall operate as a waiver of the club's lien upon said shares.

Powers of
board of
governors.

11. The board of governors of the club may administer the affairs of the club in all things and make or cause to be made for the club any description of contract which the club may by law enter into, and shall have power to make by-laws, rules and regulations not contrary to law or the provisions of this Act, with power to amend, repeal and re-enact the same for all purposes to or bearing on the affairs, business and property of the club, its management, government, aims, objects and interests; to regulate the allotment of stock and making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the term of service of governors, the appointment, functions, duties and removal of all agents, officers and servants of the club, the security to be given by them to the club, their remuneration, the time at which and place where the annual meetings of the club shall be held, the calling of meetings, the fixing of quorums at all meetings of shareholders and the board of governors, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, the admission of associate and honorary members to the privileges of the club, the fixing of the amount of admission and annual fees and the collecting thereof, with power to assess all shares (including fully paid shares) and the registered holders thereof for such dues and assessments as they may deem advisable, the suspension and expulsion of members, both shareholder and associate, and the conduct in all other particulars of the affairs of the club; but every such by-law, and every repeal, amendment and re-enactment thereof, unless in the meantime confirmed at a general meeting of the club duly called for that purpose, shall only have force until the next annual meeting of the club; and in default



of confirmation thereof shall and from that time only cease to have force, and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the club.

12. The holder of a share or shares shall not be entitled to any of the privileges of the clubhouse or grounds, or be capable of being elected one of the board of governors, or to attend or vote at any meeting of the shareholders unless or until such person has been duly elected and then is a member of the club pursuant to the by-laws, rules and regulations. Shareholder not necessarily member.

13. No remuneration shall be paid to any governor as such or by virtue of any office occupied by him, except as authorized by the by-laws of the club. No remuneration to governors except by by-law.

14. No shareholder or member of the board of governors shall be personally liable for the debts, torts, contracts or liabilities of the club beyond the amount remaining unpaid upon his stock. Fully paid-up shareholders not liable for debts.

15.—(1) If authorized by by-law duly passed by the board of governors and sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law, the governors may, from time to time,— Borrowing money.

- (a) borrow money upon the credit of the club;
- (b) limit or increase the amount to be borrowed;
- (c) issue bonds, debentures, debenture stock or other securities of the club, and pledge or sell the same for such sums and at such prices as may be deemed expedient; and
- (d) hypothecate, mortgage or pledge the real or personal property of the club, or both, to secure any such bonds, debentures, debenture stock or other securities, and any money borrowed for the purposes of the club.

(2) Nothing in this section contained shall limit or restrict the borrowing of money by the club on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the club. Saving.

16. In all matters not provided for by this Act and where not inconsistent with any matter herein contained, the provisions and implied powers of *The Companies Act* for the time being in force shall apply to the club as if the same were Rev. Stat., c. 251 to apply.

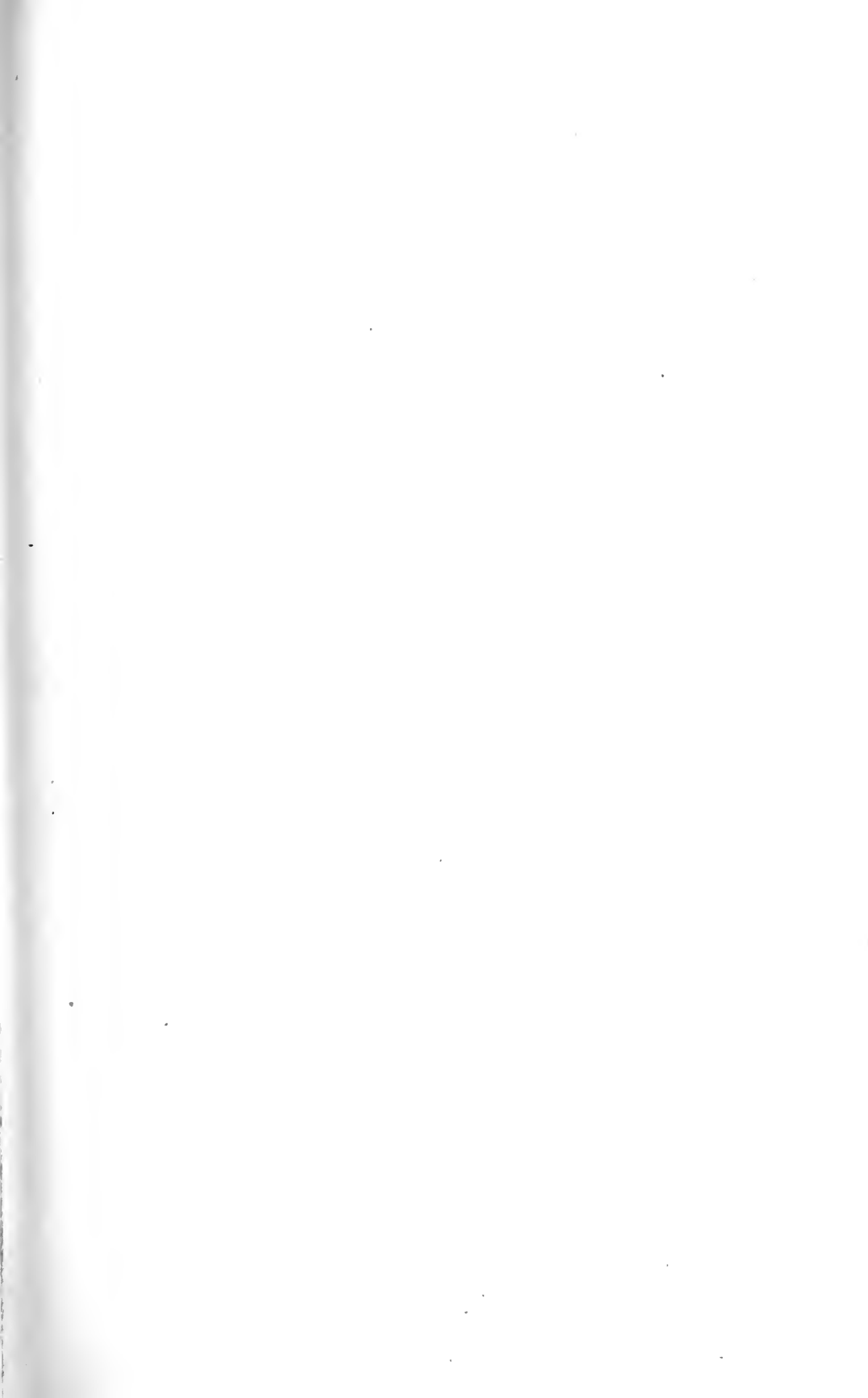
incorporated in this Act, substituting the word "club" for "company" and "governor", "governors" or "board of governors" for the word "director", "directors" or "board of directors".

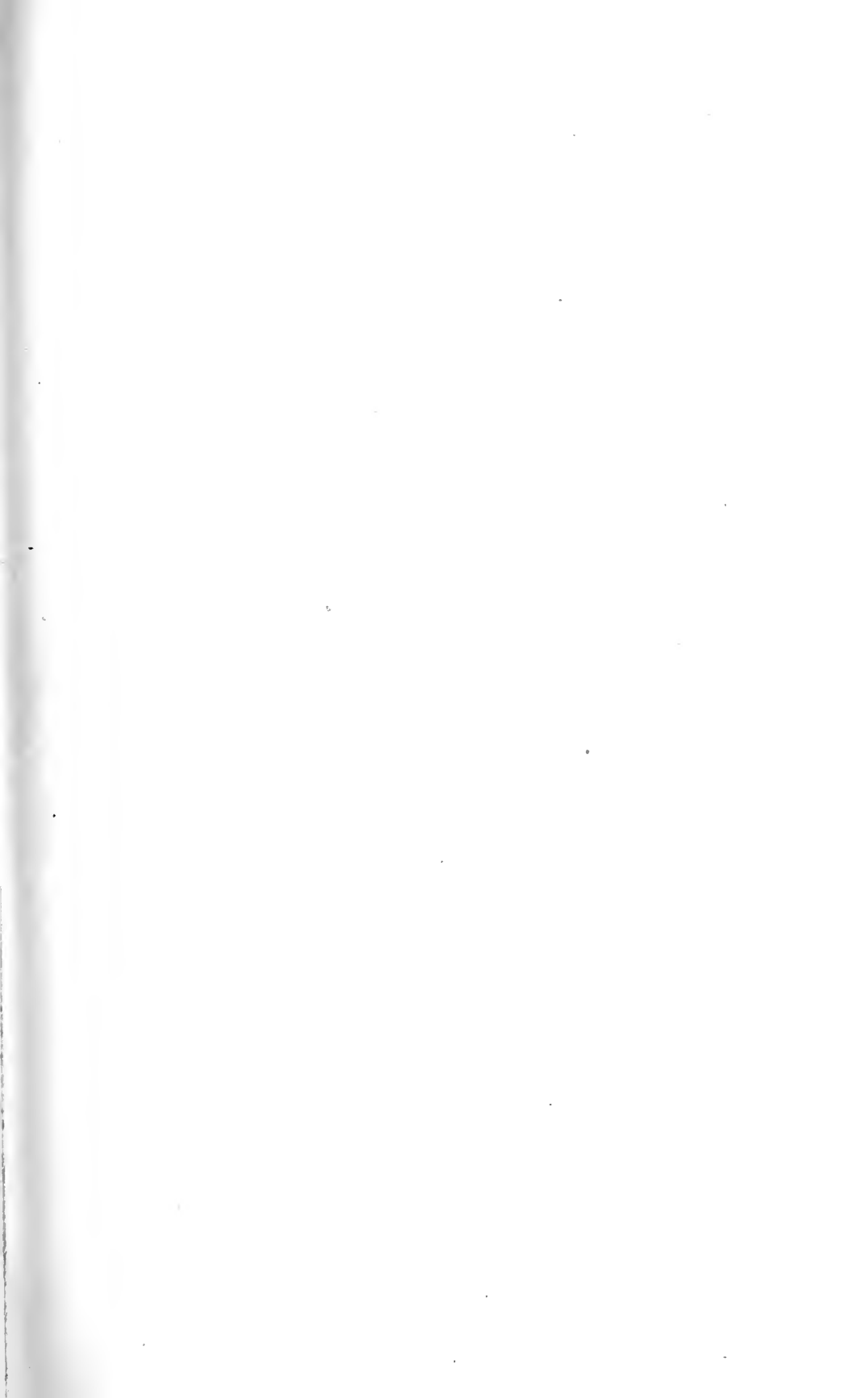
Commence-
ment of Act.

17. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

18. This Act may be cited as *The Kingsboro Club Act, 1946*.





BILL

An Act to incorporate the Kingsboro Club.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. ALAN

(*Private Bill*)

No. 38

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to incorporate the Kingsboro Club.

MR. ALLAN

TORONTO

PRINTED BY T. E. BOWMAN

PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to incorporate the Kingsboro Club.

WHEREAS the petitioners have by their petition prayed ^{Preamble.} that an Act may be passed to incorporate the Kingsboro Club with the objects and powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. William A. Armstrong, Personnel Manager, Harold J. ^{Kingsboro Club incorporated.} Badden, Accountant, E. Roy Butler, Manager, Frank M. Dowsett, Advertising Counsel, Frank C. Fletcher, Manager, W. Earle Gordon, Managing Director, Stanley L. Holland, Distributor, Arthur W. Hutchinson, Realtor, Herman L. D. Kallmeyer, Sales Manager, Carman Mainprize, Druggist, Colin D. McKinnon, Executive Assistant, Wilson E. McLean, Barrister, Robert S. Parish, Salesman, Godfrey S. Pettit, Realtor, Neil P. Peterson, Manufacturer, Arthur P. Reid, Vice-President and Managing Director, Fred G. Reid, Income Tax Expert, Harry C. Schwegler, Division Traffic Superintendent, Clive M. Sinclair, Barrister, Dr. Leo Schumacher, Dentist, and Harry C. Startup, Salesman, all of the City of Toronto, in the County of York, in the Province of Ontario, together with such other persons as become shareholders in the corporation hereby incorporated, are hereby constituted a body corporate and politic under the name "Kingsboro Club", hereinafter called "the club".

2.—(1) The amount of capital of the club shall be three ^{Capital.} hundred thousand dollars.

(2) The capital stock of the club shall be divided into six ^{Shares.} thousand shares of fifty dollars each.

(3) The club shall have power to sell the shares at such ^{Sale of shares.} price and on such terms as may be provided from time to time by resolution of the board of governors.

Head office.

3. The head office of the club shall be at or near the City of Toronto, in the County of York, in the Province of Ontario.

Objects and powers.

4.—(1) The objects of the club shall be and it shall have power,—

- (a) to promote, organize, conduct and manage a sports, recreational, social and educational club and to promote the welfare of the members thereof;
- (b) to purchase, take on lease, build, hire or otherwise acquire for the purpose of or for use in connection with the club or club house, any lands, buildings, and other hereditaments, furniture, fixtures, machinery, fittings, equipment and other chattels, and to sell, mortgage, lease, surrender or let on hire all or any of the same, and to enter into and execute such building and other contracts as may be deemed advisable;
- (c) to erect, maintain, alter or improve any building or buildings for the purposes of the club;
- (d) to borrow money for the purposes of the club upon bank or other loan, upon pledge, hypothecation or mortgage of any or all of the property of the club and by the issue of bonds, debentures, debenture stock or other securities and to pledge or sell such bonds, debentures, or debenture stock or other securities for such sum and at such prices as may be deemed expedient or be necessary;
- (e) to pay for any property acquired by the club and any labour or services performed for or expenses incurred by the club in the capital stock of the club fully or partly paid up;
- (f) to invest and deal with any of the moneys of the club not immediately required for the purposes thereof upon such securities and in such manner as may be thought fit, and from time to time to vary or realize such investments; and
- (g) to afford all the usual privileges, advantages, conveniences and accommodation of a sports, recreational, social and educational club.

Income

(2) No part of the income of the club shall inure to the benefit of any member or shareholder of the club.

Board of governors.

5.—(1) The affairs of the club shall be under the management of a board of governors, the number of whom and the method of whose election shall be governed by the by-laws of the club.

(2) The election of governors and all other questions voted ^{Election.} on at a meeting of shareholders shall be decided by a plurality of the votes of the shareholders present in person; but no shareholder shall be entitled to more than one vote.

(3) Subject to the provisions of section 6 the members of ^{Term.} the board of governors shall continue in office for three years. unless the by-laws of the club otherwise provide, and until their successors have been appointed.

(4) If any vacancy occurs in the board the remaining ^{Vacancies.} governors shall supply such vacancy for the balance of the term.

6. The persons named in section 1 shall constitute the first ^{First board of governors.} board of governors and they shall hold office as such until their successors are appointed in accordance with this Act or the by-laws of the club, but of the members of the first board of governors one-third shall retire at the end of their term of office, one third shall retire at the end of four years and the remaining third shall retire at the end of five years. The board of governors may, by resolution, prescribe the method of determining the retirements herein provided.

7.—(1) The board of governors may delegate any of their ^{Governors may delegate powers.} powers to committees consisting of such member or members of the club as they think fit.

(2) Any committee so formed shall in the exercise of the ^{Idem.} powers so delegated, conform and be subject to any directions, restrictions and regulations that may from time to time be imposed upon them by the board of governors.

8.—(1) No transfer of any share or shares of the club ^{Transfer of shares.} shall be made except by consent of the board of governors.

(2) All shares shall be transferred on the books of the club ^{Idem.} in such manner and subject to such restrictions and regulations as may be imposed by the by-laws of the club.

(3) Calls may be made upon such shares in such instalments ^{Calls.} and upon such notice as shall be regulated by the by-laws of the club.

(4) The club shall have power to repurchase and recall its ^{Repurchase and resale of shares.} own shares at such prices as it may deem advisable, but it shall not hold or own more than three hundred repurchased shares at any one time.

9. The club shall be entitled to treat the registered holder ^{Share register.} of any share as the absolute owner thereof, and accordingly

shall not, except as ordered by a court of competent jurisdiction, be bound to recognize any equitable or other claim to or interest in such share on the part of any other person.

Lien on
shares.

10. The club shall have a first and paramount lien upon all the shares registered in the name of each member (whether solely or jointly with others) and upon the proceeds of the sale thereof for his dues, fees, fines, penalties and engagements, solely or jointly with any other person, to or with the club, whether the period for the payment, fulfilment or discharge thereof shall have actually arrived or not and for the dues, fees, fines, penalties and engagements of any member of his family and person entitled to the privileges of the club by virtue of his being a shareholder, and no equitable interest in any share shall be created except upon the condition that section 9 is to have full effect. Unless otherwise agreed, the registration of a transfer of shares shall operate as a waiver of the club's lien upon said shares.

Powers of
board of
governors.

11. The board of governors of the club may administer the affairs of the club in all things and make or cause to be made for the club any description of contract which the club may by law enter into, and shall have power to make by-laws, rules and regulations not contrary to law or the provisions of this Act, with power to amend, repeal and re-enact the same for all purposes to or bearing on the affairs, business and property of the club, its management, government, aims, objects and interests; to regulate the allotment of stock and making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock, the term of service of governors, the appointment, functions, duties and removal of all agents, officers and servants of the club, the security to be given by them to the club, their remuneration, the time at which and place where the annual meetings of the club shall be held, the calling of meetings, the fixing of quorums at all meetings of shareholders and the board of governors, the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law, the admission of associate and honorary members to the privileges of the club, the fixing of the amount of admission and annual fees and the collecting thereof, with power to assess all shares (including fully paid shares) and the registered holders thereof for such dues and assessments as they may deem advisable, the suspension and expulsion of members, both shareholder and associate, and the conduct in all other particulars of the affairs of the club; but every such by-law, and every repeal, amendment and re-enactment thereof, unless in the meantime confirmed at a general meeting of the club duly called for that purpose, shall only have force until the next annual meeting of the club; and in default

of confirmation thereof shall and from that time only cease to have force, and in that case no new by-law to the same or like effect shall have any force until confirmed at a general meeting of the club.

12. The holder of a share or shares shall not be entitled to any of the privileges of the clubhouse or grounds, or be capable of being elected one of the board of governors, or to attend or vote at any meeting of the shareholders unless or until such person has been duly elected and then is a member of the club pursuant to the by-laws, rules and regulations. Shareholder not necessarily member.

13. No remuneration shall be paid to any governor as such or by virtue of any office occupied by him, except as authorized by the by-laws of the club. No remuneration to governors except by by-law.

14. No shareholder or member of the board of governors shall be personally liable for the debts, torts, contracts or liabilities of the club beyond the amount remaining unpaid upon his stock. Fully paid-up shareholders not liable for debts.

15.—(1) If authorized by by-law duly passed by the board of governors and sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law, the governors may, from time to time,— Borrowing money.

- (a) borrow money upon the credit of the club;
- (b) limit or increase the amount to be borrowed;
- (c) issue bonds, debentures, debenture stock or other securities of the club, and pledge or sell the same for such sums and at such prices as may be deemed expedient; and
- (d) hypothecate, mortgage or pledge the real or personal property of the club, or both, to secure any such bonds, debentures, debenture stock or other securities, and any money borrowed for the purposes of the club.

(2) Nothing in this section contained shall limit or restrict the borrowing of money by the club on bills of exchange or promissory notes made, drawn, accepted or endorsed by or on behalf of the club. Saving.

16. In all matters not provided for by this Act and where not inconsistent with any matter herein contained, the provisions and implied powers of *The Companies Act* for the time being in force shall apply to the club as if the same were Rev. Stat., c. 251 to apply.

incorporated in this Act, substituting the word "club" for "company" and "governor", "governors" or "board of governors" for the word "director", "directors" or "board of directors".

Commence-
ment of Act.

17. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

18. This Act may be cited as *The Kingsboro Club Act, 1946*.





BILL

An Act to incorporate the Kingsboro Club.

1st Reading

March 6th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. ALLAN

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Crowland.

MR. LEWIS

(PRIVATE BILL)

BILL

An Act respecting the Township of Crowland.

WHEREAS the Corporation of the Township of Crowland has by its petition prayed for special legislation in respect of the Welland-Crowland Health and Recreational Centre; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Township of Crowland is hereby authorized to grant to the Welland-Crowland Health and Recreational Centre the sum of \$10,000 out of the surplus moneys of the Township, and such grant shall be valid and binding upon the said Corporation and the ratepayers thereof. Special grant authorized.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Township of Crowland Act*, Short title.
1946.

BILL

An Act respecting the Township of
Crowland

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. LEWIS

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to authorize the Corporation of the City of Toronto to
Plan and Zone the Municipality.

MR. ROBERTS

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to authorize the Corporation of the City of Toronto to Plan and Zone the Municipality.

WHEREAS it is essential that there should be established a continuing planning policy for the overall development of the City of Toronto, and for regulating and controlling the use of land, buildings, structures and improvements in order to improve living conditions, create conditions favourable to the development of industry and provide maximum employment for the inhabitants of the City; whereas the Corporation has petitioned for an Act for this purpose and to enable it to approve an Official Plan; whereas it is expedient that the preparation of such plan including zoning regulations and the administration of the Department should be undertaken by a permanent planning board; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "Board" shall mean The Toronto Planning Board "Board;" appointed by the Corporation for the purposes of this Act;
- (b) "Corporation" shall mean the Corporation of the City of Toronto; "Corporation;"
- (c) "judge" shall mean a judge of the County Court of the County of York; "Judge;"
- (d) "project" shall mean any public work, slum clearance or housing project included as part of the Official Plan; "Project;"
- (e) "Department" shall mean the Department of City Planning. "Department;"

Appoint-
ment of
Board.

2.—(1) The council of the Corporation shall by by-law forthwith appoint a board to be known as "The Toronto Planning Board," for the purpose of carrying out the provisions of this Act.

How
composed.

(2) The Board shall be composed of the head of the council for the time being and four members appointed by council who are ratepayers resident in the municipality and who are not members of the council nor employees of the Corporation, nor persons with interests which would conflict with the proper performance of their duties as members of the Board.

Term of
office.

(3) The four appointed members shall hold office for five years and until their successors are appointed, provided that the first members shall be appointed for two, three, four and five years respectively.

Vacancies.

(4) In case any member ceases to be a member of the Board before the expiration of his term, the council shall appoint another qualified person for the unexpired portion of the term.

Remunera-
tion.

(5) The members of the Board may be paid such salary or other remuneration as the council may think proper and shall be eligible for reappointment.

Removal
from
office.

3.—(1) A member of the Board shall not be removed from office except upon the order of a judge.

Idem.

(2) Such order shall be made only for misconduct in the performance of his duties as a member of the Board, or for inability to carry out such duties on account of mental or physical disability or where the member ceases to be qualified for membership in the Board.

Application
for
removal.

(3) An application to a judge for an appointment to consider the removal of a member may be made by the council or by any ratepayer resident in the municipality, provided that such ratepayer shall deposit the sum of \$200 as security for the costs of such hearing, unless otherwise ordered by the judge.

Notice.

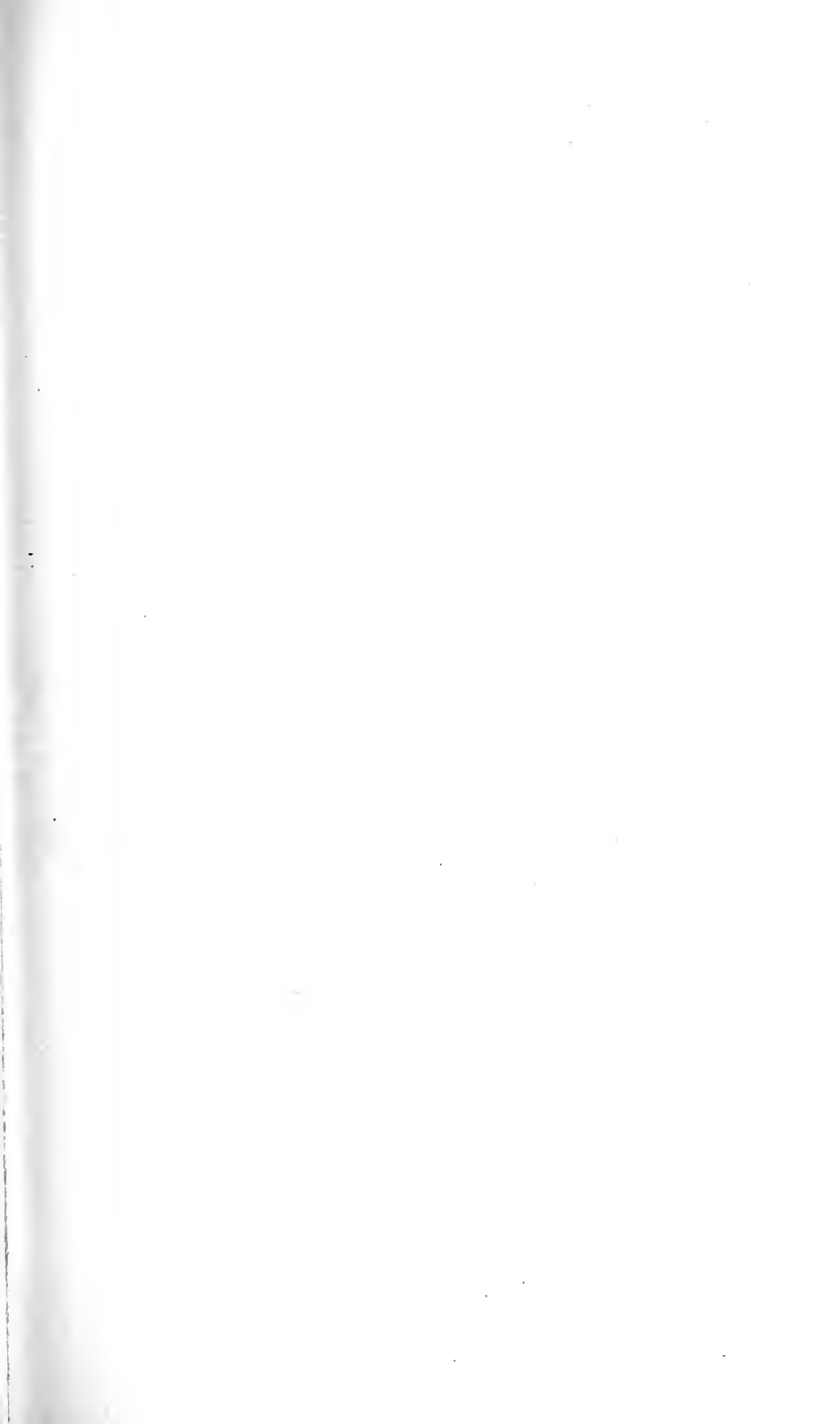
(4) The judge may give such directions as he deems advisable for giving notice to the person or persons interested in the hearing.

Officers.

4. The Board shall elect a chairman, a vice-chairman who shall preside in the absence of the chairman, and a secretary, who may be a member of the Board.

Body
corporate.

5. The Board shall be a body corporate and shall have a corporate seal, and all plans, regulations and documents shall



be executed by the chairman or by the vice-chairman and by the secretary, and have the corporate seal attached thereto.

6. A majority of the members of the Board shall be a ^{Quorum.} quorum.

7.—(1) The Board shall have the following powers and ^{Powers and duties of the Board.} duties:

- (a) to record by means of surveys, maps, charts, statements or texts, complete information relative to the densities and distribution of the residential, commercial, industrial and school populations of the city, the assessments of land and buildings, public health, the locations and capacities of school facilities, drainage systems, public utility systems and any other information that may be necessary to show conditions as they exist at the date of the passing of this Act;
- (b) to prepare and recommend to the council for its approval a plan to be known as the "Official Plan" for establishing a proper functional relationship between the several parts of the City and for providing an efficient arrangement of municipal services including public utilities, and for promoting the health, safety, convenience and general welfare of the inhabitants, and without limiting the generality of the foregoing, to deal with and include in such plan by means of maps, plans, charts, statements or texts, proposals in respect of the regulation of the use of land, buildings or structures, the delimitation and improvement of neighbourhoods or communities, school and recreational facilities, the subdivision of land into building lots, public works and improvements including highways, slum clearance, low rental and other housing projects;
- (c) to recommend from time to time to the council for its approval alterations, amendments or additions to the Official Plan;
- (d) to hold such public meetings and publish such advertisements as may be deemed advisable for the purpose of obtaining the participation and co-operation of the inhabitants of the City in the preparation and development of the Official Plan and in proposed amendments thereto;
- (e) after consultation with public utility authorities, the Board of Education and officers of the Corporation,

to plan and recommend projects to the council for its approval and to prepare estimates of the cost thereof;

(f) to recommend to the council by-laws, amendments to by-laws and legislation required to carry out the Official Plan; and

(g) to perform such other duties as may be assigned or delegated to such Board by the council;

Powers of
Town
Planning
Commission.
Rev. Stat.,
c. 270.

(2) The Board shall have and may exercise all the powers and shall discharge all the duties of a commission created pursuant to Section 13 of *The Planning and Development Act*.

Work of
the Board.

8. The head of the Department shall be the executive officer of the Board and the technical services required by the Board shall be carried out by the Department.

Municipal
officers
to assist.

9. Subject to the approval of the Board of Control and to Section 8 hereof, the officers of the Corporation shall render such advice and assistance as may be requested by the Board.

Annual
estimates.

10. The Board shall before the 15th day of January in each year submit to council its estimates of the moneys required for the administration of the Department and for the operation of the Board.

Public
hearings
and notices.

11. Before recommending the Official Plan or any amendments thereto to council for approval, the Board shall hold public hearings and give such notice thereof as the Board may deem necessary to enable representations to be made to the Board with respect to the Official Plan and every proposed amendment thereof.

Effect of
the Official
Plan.

12. The Official Plan as amended from time to time, upon approval by the council, shall govern the policy to be followed in determining the matters contained therein.

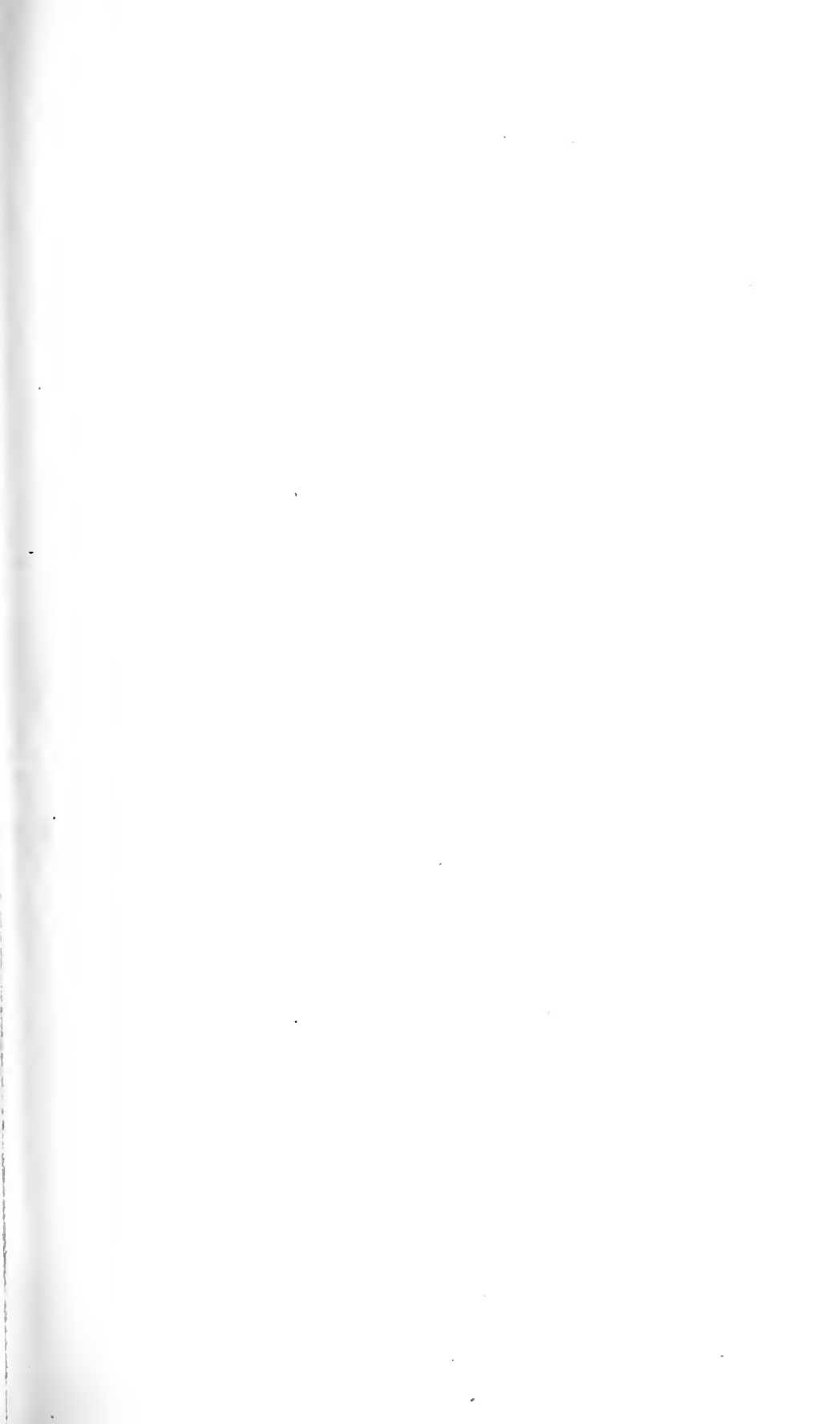
Recom-
mendation
of projects.

13. On or before the 1st day of November in each year, the Board shall recommend to the council a programme of projects included in the Official Plan in the order of their priority, to be carried out in each of the next five succeeding years, and the council shall submit to a vote of the electors entitled to vote on money by-laws, the projects or any of them involving capital expenditures which the council approves and which it proposes to initiate in the following year.

Adherence
to Plan.

14. The council of the Corporation shall not,—

(a) approve any amendment of the Official Plan which is not recommended by the Board;



- (b) pass any by-law respecting the use of land, buildings or structures which is not recommended by the Board; or
- (c) undertake any project to be carried out at the expense of the Corporation at large, which conflicts with the Official Plan;

without a three-fourths vote of the members of the council present at a meeting thereof.

15. The Board shall deposit a copy of the Official Plan ^{Deposit of Plan.} and all amendments thereto as approved by the council with the City Clerk for public inspection.

16. This Act shall come into force on the day upon which ^{Commence-} it receives the Royal Assent. _{ment of Act.}

17. This Act may be cited as *The Toronto Planning Act*, ^{Short title.} 1946.

BILL

An Act to authorize the Corporation of the
City of Toronto to Plan and Zone
the Municipality. •

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. ROBERTS

(*Private Bill*)

No. 41

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Toronto.

MR. ROBERTS

(PRIVATE BILL)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto has Preamble.
by its petition prayed for special legislation in respect
of the several matters hereinafter set forth, and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation of the City of Toronto, to relieve Emergency housing.
the existing emergency in housing conditions, may,—

- (a) erect on land owned, leased or otherwise acquired by the Corporation within the municipality houses and housing accommodation or purchase prefabricated houses for such purpose;
- (b) alter, repair or construct buildings on land owned, leased or otherwise acquired by the said Corporation within the municipality to provide housing accommodation;
- (c) enter into agreements with the Crown or any person for the erection, alteration, repair or construction of houses or housing accommodation on land owned, leased or otherwise acquired by the corporation within the municipality; and
- (d) manage, maintain, equip, lease, sell or otherwise dispose of houses or housing accommodation to such persons or classes of persons and upon such terms and conditions as the council of the Corporation may decide.

(2) The provisions of *The Wartime Housing Act, 1944*, and Application of 1944, c. 67.
amendments thereto, shall apply *mutatis mutandis* to the
houses and housing accommodation erected or altered under
this section and to the tenants thereof to the same extent as
if such buildings were vested in the Crown.

Retroactive
effect.

(3) This section shall have effect from the 1st day of June, 1944.

Housing
projects.

2. The council of the Corporation may pass by-laws for undertaking slum clearance or low-rental housing projects within the municipality, and for such purpose may,—

- (a) purchase, lease, acquire or expropriate land and buildings within the municipality;
- (b) alter, repair or construct housing accommodation;
- (c) manage, lease, sell or otherwise dispose of land and buildings on such terms and conditions and to such persons or classes of persons as the council may decide; and
- (d) enter into agreements with the Crown, any commission, board or person for the repair, alteration, construction, operation, management and for sharing the cost of such slum clearance or low-rental housing projects.

Nomina-
tion day.

3. The council of the Corporation may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for mayor, controllers, aldermen, the board of education and any board or commission any members of which are to be elected shall be held on the day fourteen days prior to the day on which the polling shall take place except when that day is a Saturday, and in that case, on the day fifteen days prior to such polling day and such by-law shall remain in force from year to year until repealed.

Additional
clerks and
supervisors
at elections.

4. The council of the Corporation may, on the recommendation of the clerk by by-law appoint supervisors and additional deputy returning officers and poll clerks to assist in the conduct of the election, and such persons may be authorized in writing by the clerk to enter, remain and assist in any polling place during any part of the time the poll is open or at the counting of the votes.

Authority
for agree-
ment with
Toronto
Convention
and Tourist
Association.

5. The council of the Corporation may enter into an agreement with the Toronto Convention and Tourist Association, Inc., extending for a period of five years from the 1st day of January, 1945, to provide for the payment to the Association of an annual grant for an amount equal to the contributions received by the Association from other sources, but not exceeding \$12,500 in any year, and upon such terms and conditions as may be determined by the council.

6. The council of the Corporation may in each year provide in the estimates for the establishment or maintenance of a reserve fund for use in providing works or projects, exclusive of parks, where in the opinion of the council the work or project is for the benefit of the city at large. ^{Reserve funds.}

7. This Act shall come into force on the day upon which it receives the Royal Assent. ^{Commencement of Act.}

8. This Act may be cited as *The City of Toronto Act, 1946*. ^{Short title.}

BILL

An Act respecting the City of Toronto.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. ROBERTS

(*Private Bill*)

No. 41

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the City of Toronto.

MR. ROBERTS

(Reprinted as amended by the Committee on Private Bills.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the City of Toronto.

WHEREAS the Corporation of the City of Toronto has Preamble.
by its petition prayed for special legislation in respect
of the several matters hereinafter set forth, and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation of the City of Toronto, to relieve Emergency housing.
the existing emergency in housing conditions, may on or
before the 31st day of December, 1948,—

- (a) erect on land owned, leased or otherwise acquired by the Corporation within the municipality houses and housing accommodation or purchase prefabricated houses for such purpose;
- (b) alter, repair or construct buildings on land owned, leased or otherwise acquired by the said Corporation within the municipality to provide housing accommodation;
- (c) enter into agreements with the Crown or any person for the erection, alteration, repair or construction of houses or housing accommodation on land owned, leased or otherwise acquired by the corporation within the municipality; and
- (d) manage, maintain, equip, lease, sell or otherwise dispose of houses or housing accommodation to such persons or classes of persons and upon such terms and conditions as the council of the Corporation may decide.

(2) The provisions of *The Wartime Housing Act, 1944*, and Application of 1944, c. 67.
amendments thereto, shall apply *mutatis mutandis* to the of 1944,
houses and housing accommodation erected or altered under
this section and to the tenants thereof to the same extent as
if such buildings were vested in the Crown.

Retroactive
effect.

(3) This section shall have effect from the 1st day of June, 1944.

Housing
projects.

2. Subject to the approval of the Minister of Municipal Affairs, the council of the Corporation may pass by-laws for undertaking slum clearance or low-rental housing projects within the municipality, and for such purpose may,—

- (a) purchase, lease, acquire or expropriate land and buildings within the municipality;
- (b) alter, repair or construct housing accommodation;
- (c) manage, lease, sell or otherwise dispose of land and buildings on such terms and conditions and to such persons or classes of persons as the council may decide; and
- (d) enter into agreements with the Crown, any commission, board or person for the repair, alteration, construction, operation, management and for sharing the cost of such slum clearance or low-rental housing projects.

Authority
for agree-
ment with
Toronto
Convention
and Tourist
Association.

3. The council of the Corporation may enter into an agreement with the Toronto Convention and Tourist Association, Inc., extending for a period of five years from the 1st day of January, 1945, to provide for the payment to the Association of an annual grant for an amount equal to the contributions received by the Association from other sources, but not exceeding \$12,500 in any year, and upon such terms and conditions as may be determined by the council.

Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Toronto Act, 1946*.



BILL

An Act respecting the City of Toronto.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. ROBERTS

*(Reprinted as amended by the Committee on
Private Bills.)*

No. 41

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

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An Act respecting the City of Toronto.

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- (a) erect on land owned, leased or otherwise acquired by the Corporation within the municipality houses and housing accommodation or purchase prefabricated houses for such purpose;
- (b) alter, repair or construct buildings on land owned, leased or otherwise acquired by the said Corporation within the municipality to provide housing accommodation;
- (c) enter into agreements with the Crown or any person for the erection, alteration, repair or construction of houses or housing accommodation on land owned, leased or otherwise acquired by the corporation within the municipality; and
- (d) manage, maintain, equip, lease, sell or otherwise dispose of houses or housing accommodation to such persons or classes of persons and upon such terms and conditions as the council of the Corporation may decide.

(2) The provisions of *The Wartime Housing Act, 1944*, and Application of 1944, c. 67.
amendments thereto, shall apply *mutatis mutandis* to the
houses and housing accommodation erected or altered under
this section and to the tenants thereof to the same extent as
if such buildings were vested in the Crown.

Retroactive
effect.

(3) This section shall have effect from the 1st day of June, 1944.

Housing
projects.

2. Subject to the approval of the Minister of Municipal Affairs, the council of the Corporation may pass by-laws for undertaking slum clearance or low-rental housing projects within the municipality, and for such purpose may,—

- (a) purchase, lease, acquire or expropriate land and buildings within the municipality;
- (b) alter, repair or construct housing accommodation;
- (c) manage, lease, sell or otherwise dispose of land and buildings on such terms and conditions and to such persons or classes of persons as the council may decide; and
- (d) enter into agreements with the Crown, any commission, board or person for the repair, alteration, construction, operation, management and for sharing the cost of such slum clearance or low-rental housing projects.

Authority
for agree-
ment with
Toronto
Convention
and Tourist
Association.

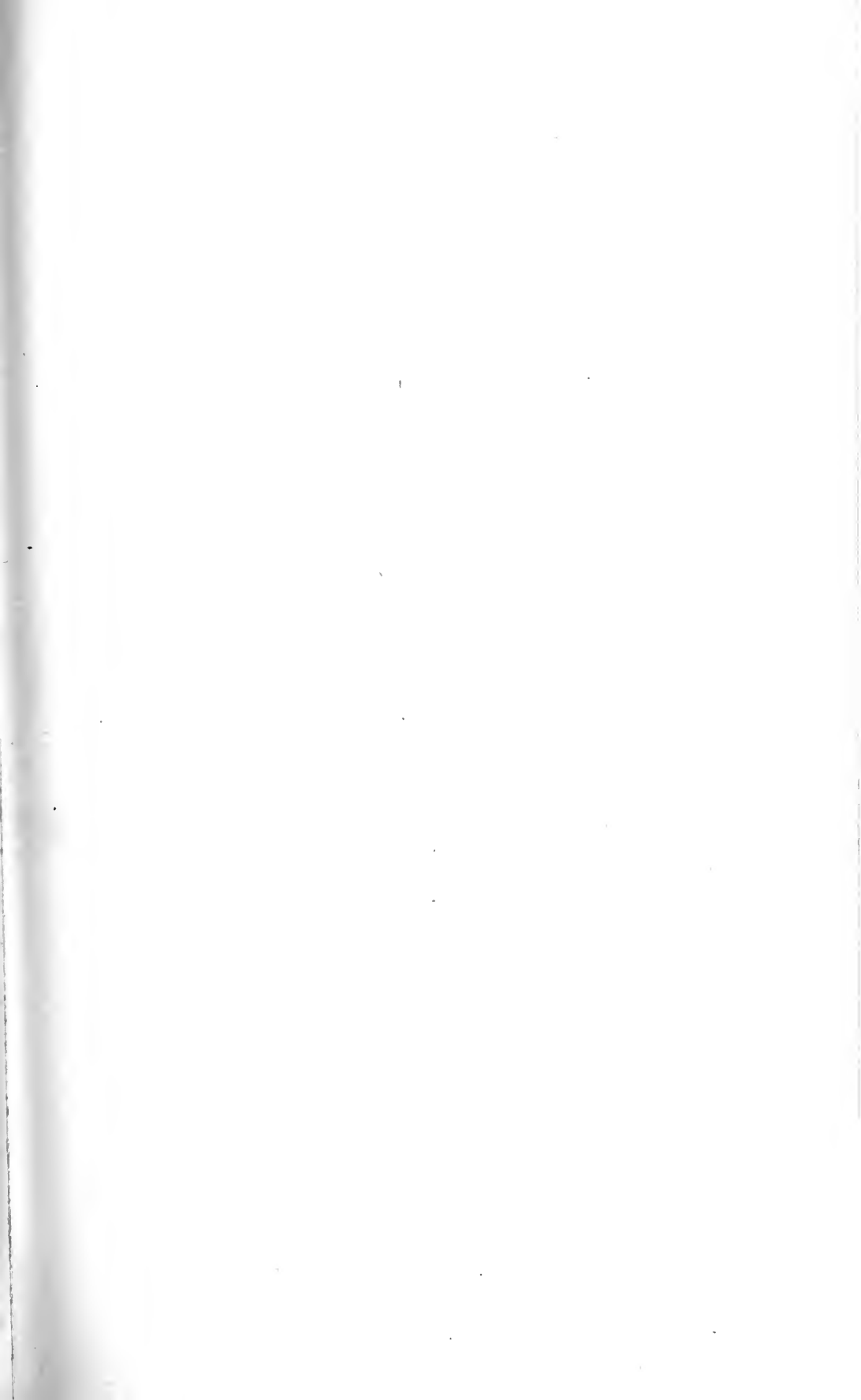
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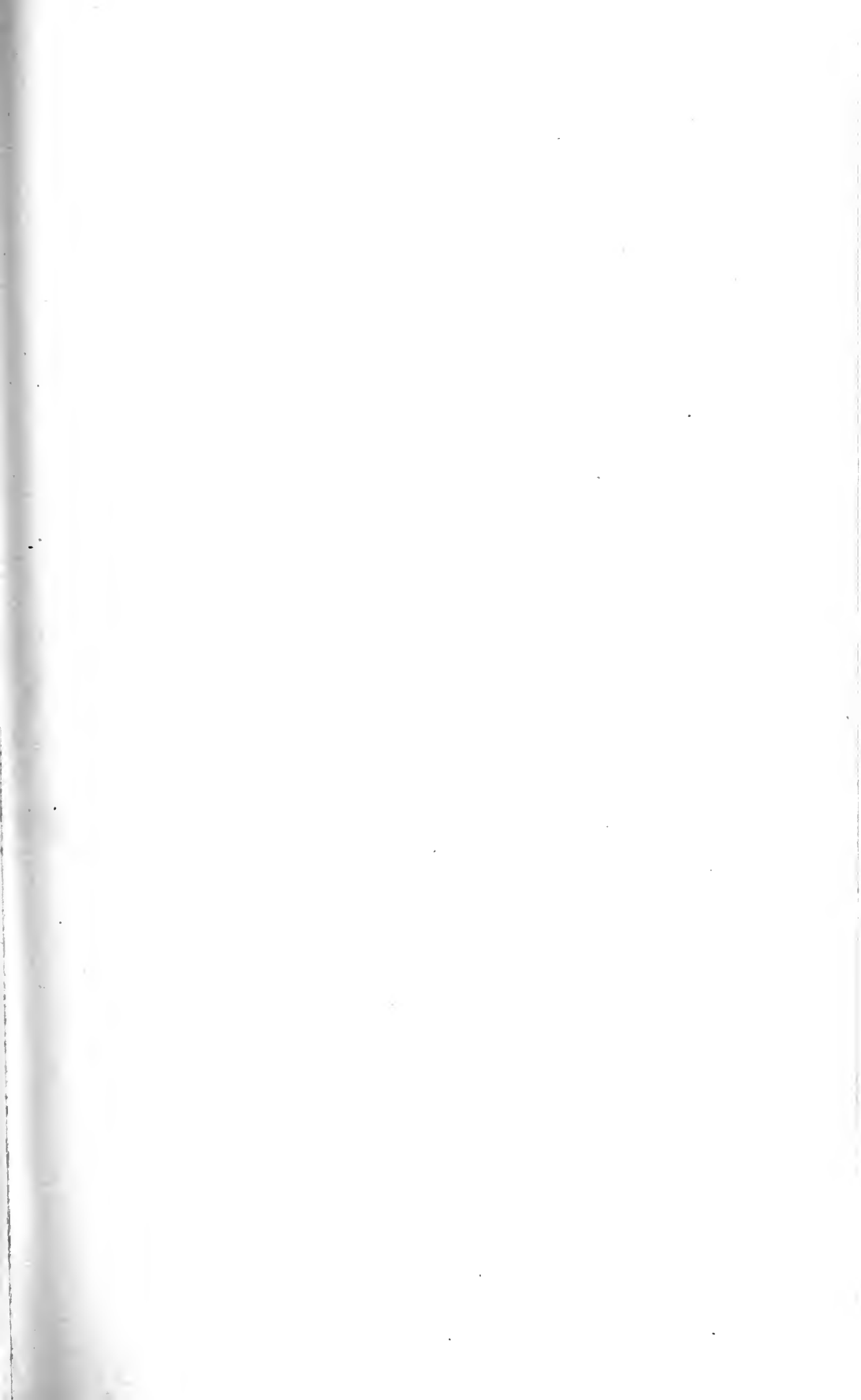
Commence-
ment of Act.

4. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Toronto Act, 1946*.





BILL

An Act respecting the City of Toronto.

1st Reading

March 6th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. ROBERTS

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Township of Teck.

MR. GRUMMETT

(PRIVATE BILL)

BILL

An Act respecting the Township of Teck.

WHEREAS the Corporation of the Township of Teck Preamble. has by its petition prayed for special legislation in respect of the supply of water to Teck-Hughes Gold Mines Limited (No Personal Liability); and whereas it is expedient to grant the prayer of the said petition;

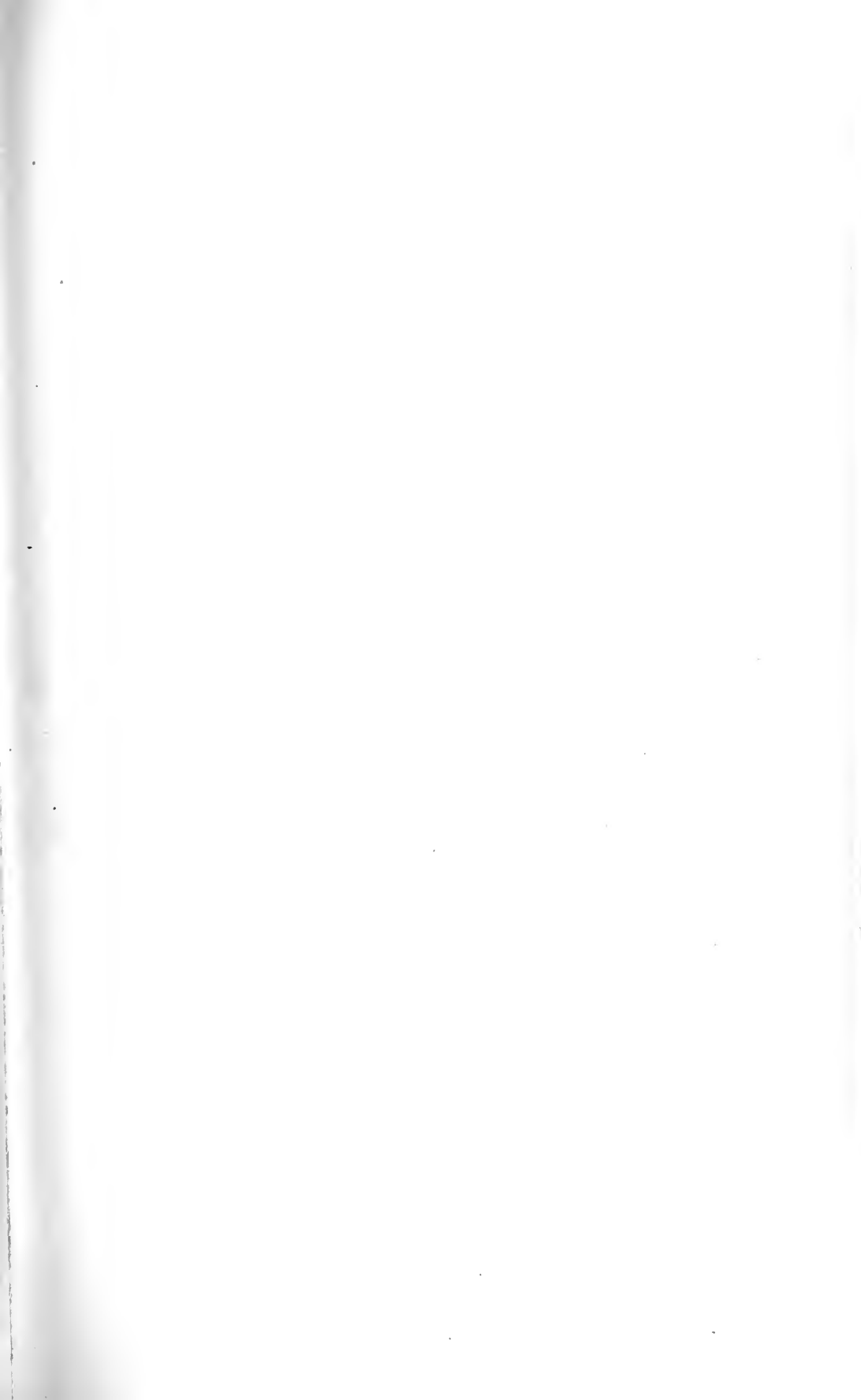
Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

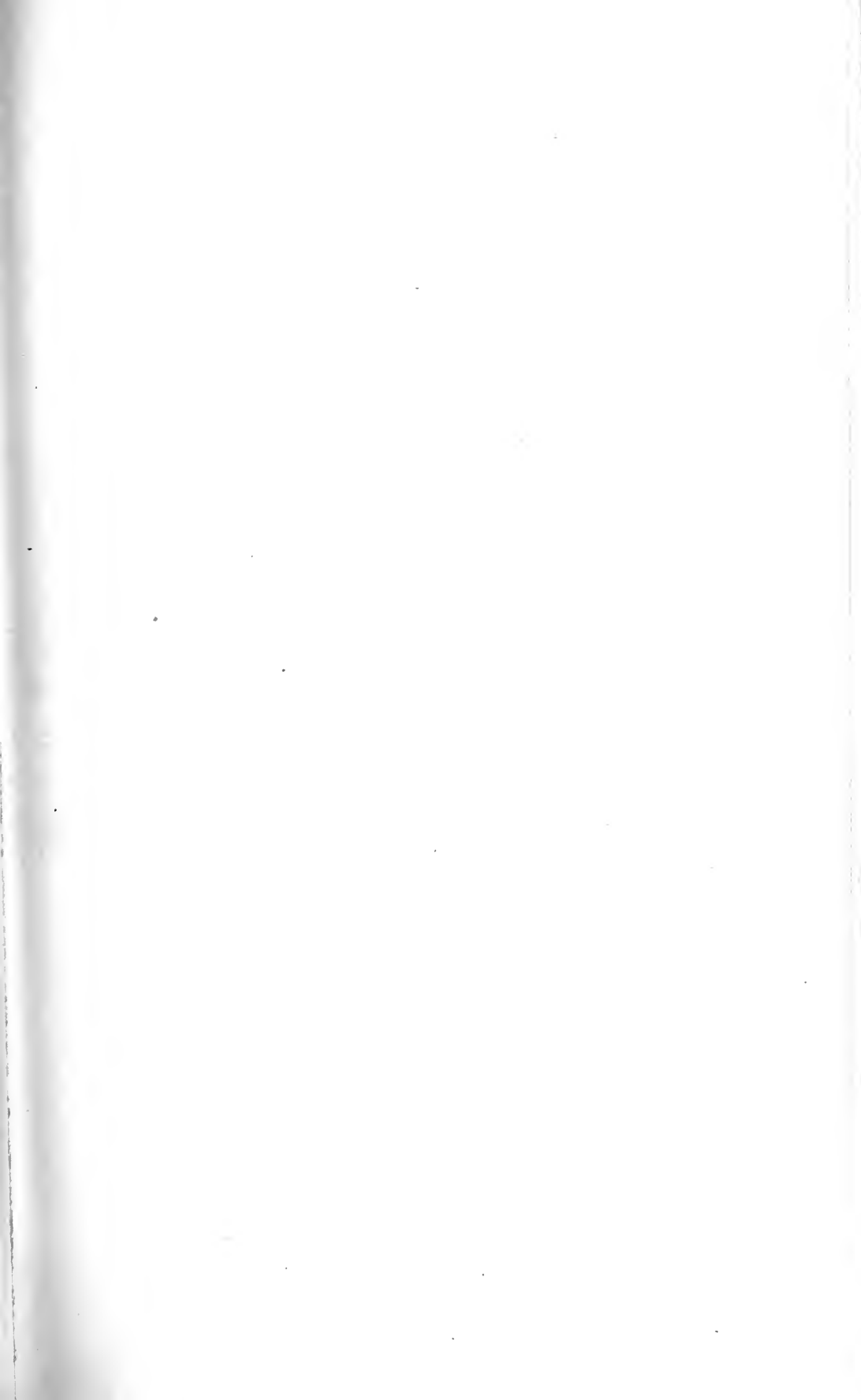
1. Section 4 of *The Township of Teck Act, 1932*, is amended 1932, c. 92, s. 4, amended. by striking out the word "five" in the second line and inserting in lieu thereof the word "four", and by striking out the words "the Teck-Hughes Gold Mines Limited (No Personal Liability)" in the fifth and sixth lines, so that the said section shall now read as follows:
4. Notwithstanding anything contained in section 298 of *The Municipal Act* or in any other Act, the four agreements dated the 22nd December, 1931, between the corporation of the Township of Teck and Lake Shore Mines, Limited (No Personal Liability), Kirkland Lake Gold Mining Company, Limited (No Personal Liability), Sylvanite Gold Mines, Limited (No Personal Liability), and Wright-Hargreaves Mines, Limited, respectively, all of which are in the form set out in Schedule "A" hereto, are hereby confirmed and declared to be legal, valid and binding upon the respective parties thereto and their respective successors and assigns. Application of water-works revenues. Rev. Stat., c. 249.
2. The agreements made between the Corporation of the Township of Teck and the Teck-Hughes Gold Mines Limited (No Personal Liability) with respect to the supply of water are hereby terminated. Existing agreements terminated.
3. The Corporation of the Township of Teck is hereby authorized to enter into a new agreement or agreements with Authority to make new agreements.

the Teck-Hughes Gold Mines, Limited (No Personal Liability) for the supply of water at such rates and on such terms as may be approved by the Ontario Municipal Board.

Short title.

4. This Act may be cited as *The Township of Teck Act, 1946*.





BILL

An Act respecting the Township of Teck.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. GRUMMETT

(*Private Bill*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Canadian Legion of the British Empire Service
League, Branch 51.

MR. HANNIWELL

(PRIVATE BILL)

BILL

An Act respecting the Canadian Legion of the British Empire Service League, Branch 51.

WHEREAS the Canadian Legion of the British Empire Service League, Branch 51, has by its petition prayed that an Act may be passed vesting the lands described in section 1 in the said branch of the Legion; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands described as being:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City (formerly the Town) of Niagara Falls, in the County of Welland and being composed of Lots Numbers Five hundred and sixteen (516) and Five hundred and seventeen (517) on the west side of Victoria Avenue according to Plan No. 34 registered for said Town of Niagara Falls subject to the restrictions contained in the conveyance made by Frederick N. G. Starr to one Charles Black, and Lot Number Five hundred and twenty-six (526) on the south side of Stamford Street according to plan No. 746 registered for the said Town of Niagara Falls, Certain lands vested in Legion.

are hereby vested in the Canadian Legion of the British Empire Service League, Branch 51.

2. The Canadian Legion of The British Empire Service League, Branch 51, shall have power to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for any loan any property, real or personal, vested in or held by it. Power to mortgage, etc., lands.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The British Empire Service League, Branch 51 Act, 1946.* Short title.

BILL

An Act respecting the Canadian Legion
of the British Empire Service
League, Branch 51.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. HANNIWELL

(*Private Bill*)

No. 43

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Canadian Legion of the British Empire Service
League, Branch 51.

MR. HANNIWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Canadian Legion of the British Empire Service League, Branch 51.

WHEREAS the Canadian Legion of the British Empire Service League, Branch 51, has by its petition prayed that an Act may be passed vesting the lands described in section 1 in the said branch of the Legion; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The lands described as being:

ALL AND SINGULAR those certain parcels or tracts of land and premises situate, lying and being in the City (formerly the Town) of Niagara Falls, in the County of Welland and being composed of Lots Numbers Five hundred and sixteen (516) and Five hundred and seventeen (517) on the west side of Victoria Avenue according to Plan No. 34 registered for said Town of Niagara Falls subject to the restrictions contained in the conveyance made by Frederick N. G. Starr to one Charles Black, and Lot Number Five hundred and twenty-six (526) on the south side of Stamford Street according to plan No. 746 registered for the said Town of Niagara Falls, Certain lands vested in Legion.

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2. The Canadian Legion of The British Empire Service League, Branch 51, shall have power to borrow money for its purposes upon its credit and to mortgage, hypothecate or pledge as security for any loan any property, real or personal, vested in or held by it. Power to mortgage, etc., lands.

3. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

4. This Act may be cited as *The British Empire Service League, Branch 51 Act, 1946.* Short title.

BILL

An Act respecting the Canadian Legion
of the British Empire Service
League, Branch 51.

1st Reading

March 6th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. HANNIWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Paris.

MR. NIXON

(PRIVATE BILL)

BILL

An Act respecting the Town of Paris.

WHEREAS the Corporation of the Town of Paris has Preamble.
by its petition prayed for special legislation in respect
of the purchase and management of the Paris Arena and to
provide for the issue of debentures for \$8,000 to pay for the
same; and whereas it is expedient to grant the prayer of the
said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Power to
Board, the council of the Town of Paris may pass proposed pass
by-law number 1064, set out as the schedule hereto, being a proposed
by-law to authorize the purchase by the Corporation of the By-law
Town of Paris of the Paris Arena property and equipment from No. 1064.
Paris Arena Limited and for the operation of the said Arena
as a municipal enterprise and to provide for the borrowing of
\$8,000 on debentures to pay the purchase price of the said
Arena.

(2) The said proposed by-law number 1064, when duly Validation.
passed and approved by the Ontario Municipal Board, shall be
legal, valid and binding upon the Corporation of the Town of
Paris and the ratepayers thereof.

2. This Act shall come into force on the day upon which it Commence-
receives the Royal Assent. ment of Act.

3. This Act may be cited as *The Town of Paris Act, 1946*. Short title.

SCHEDULE

BY-LAW NUMBER 1064

Of the Municipal Council of the Corporation of the Town of Paris being a by-law to authorize the purchase by the said Corporation of the Paris Arena property and equipment from Paris Arena Limited and the operation by the said Corporation of same as a municipal enterprise and to provide for the borrowing of \$8,000.00 on debentures to pay the purchase price of same.

WHEREAS Paris Arena Limited, a Company duly incorporated under the laws of the Province of Ontario and having its head office in the Town of Paris, wishes to sell all its arena property, buildings and equipment known as the "Paris Arena";

AND WHEREAS the Municipal Council of the Corporation of the Town of Paris deems it expedient to purchase and operate said Arena as a municipal enterprise;

AND WHEREAS the said Paris Arena Limited has agreed to sell same to the said Corporation for the sum of \$8,000.00;

AND WHEREAS it will be necessary to borrow the sum of \$8,000.00 on the credit of the said Corporation and to issue debentures of the said Corporation therefor, bearing interest at the rate of three per centum per annum, which amount of \$8,000.00 is the amount of the debt intended to be created by this by-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of three years, in such amounts respectively that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary to raise the annual sum of \$2,828.24 during the period of three years to pay the said principal money and interest as they become due;

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$2,409,140.00;

AND WHEREAS the amount of the existing debenture debt of the said Corporation (exclusive of local improvement debts secured by special rates or assessments) is \$206,857.83 and no part of the principal or interest is in arrear;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Paris as follows:

1. That the Corporation of the Town of Paris purchase from said Paris Arena Limited the following lands and premises, namely: All and Singular that certain parcel or tract of lands and premises situate, lying and being in the Town of Paris, in the County of Brant and Province of Ontario and being composed of all of Lot Number Three, in Block Number Fifty-seven, according to the Plan of the said Town registered in the Registry Office for the Registry Division of the County of Brant as Number 492; together with all the buildings and appurtenances now erected thereon and all the equipment, fixtures, fittings, machinery, tools, furniture, supplies and effects now contained in the said buildings and/or situated on the said lands and premises for the sum of Eight Thousand Dollars (\$8,000.00).

2. That, the said Corporation may manage and operate the property,

buildings and equipment aforesaid known as the Paris Arena as its Municipal Council may direct.

3. That the said sum of \$8,000.00 shall be used and expended for the purchase of same as aforesaid and for the said purpose there shall be borrowed on the credit of the said Corporation at large the sum of \$8,000.00 and debentures of the said Corporation shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of three per centum per annum and having interest coupons attached thereto for the payment of interest.

4. That the said debentures shall each bear the same date and shall be issued within two years from the day on which this by-law is passed and shall be dated on the day of issue thereof and may bear any date within such two years and the said debentures shall be payable in three annual instalments of the respective sums set forth in Schedule "A" hereto attached.

5. That the said debentures as to both principal and interest shall be expressed in Canadian currency.

6. That the Mayor of the said Corporation shall sign and issue the said debentures and interest coupons and the same shall also be signed by the Treasurer of the said Corporation and the said debentures shall be sealed with the seal of the said Corporation.

7. That during the three years the currency of the said debentures the sum of \$2,828.24 shall be raised annually for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in Schedule "A" hereto attached and shall be levied and raised annually on all rateable property in the municipality.

8. That the debentures may contain any clause providing for the registration thereof, authorized by any Statute relating to municipal debentures at the time of issue thereof.

9. That the debentures issued under this by-law shall be redeemable at the option of the said Corporation at the office of the Treasurer of the said Corporation at the said Town of Paris on any date prior to maturity of the said debentures at the redeemable price of one hundred per centum of their face value together with accrued interest to the date set for redemption and such place of payment and such value at which such debenture may be so redeemed is to be specified in every debenture; provided that if only a portion of the debentures is to be redeemed the debentures to be redeemed shall be redeemed in reverse order of maturity and provided further that if part only of the debentures of any maturity is to be redeemed the debentures to be redeemed shall be selected by lot by the Treasurer of the said Town in such manner as he shall consider equitable; From and after the date set for redemption interest on the debentures shall cease to accrue and the debentures shall become due and payable on such date; Notice of the intention to redeem the said debentures shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book and notice of the intention to redeem the said debentures shall be advertised by the said Corporation in the newspaper published in the said Town of Paris and in the Ontario Gazette and such advertisement shall appear in the newspaper and the Ontario Gazette at least thirty days prior to the date fixed for redemption; Such advertisement shall specify the date set for such redemption, the price of redemption and the redemption price thereof and shall state that from and after the date set for such redemption the interest on the debentures shall cease to accrue and that the debentures shall become due and payable on such date; The debentures when redemption takes place as aforesaid shall be cancelled forthwith.

10. That this by-law shall come into force and take effect on the day

of the passing thereof subject to its being approved by the Ontario Municipal Board and to its being assented to by the electors.

READ a first time this 7th day of February, 1945.

READ a second time this 7th day of February, 1945.

JOHN P. McCAMMON,
Mayor.

WM. J. HAGGETT,
Clerk.

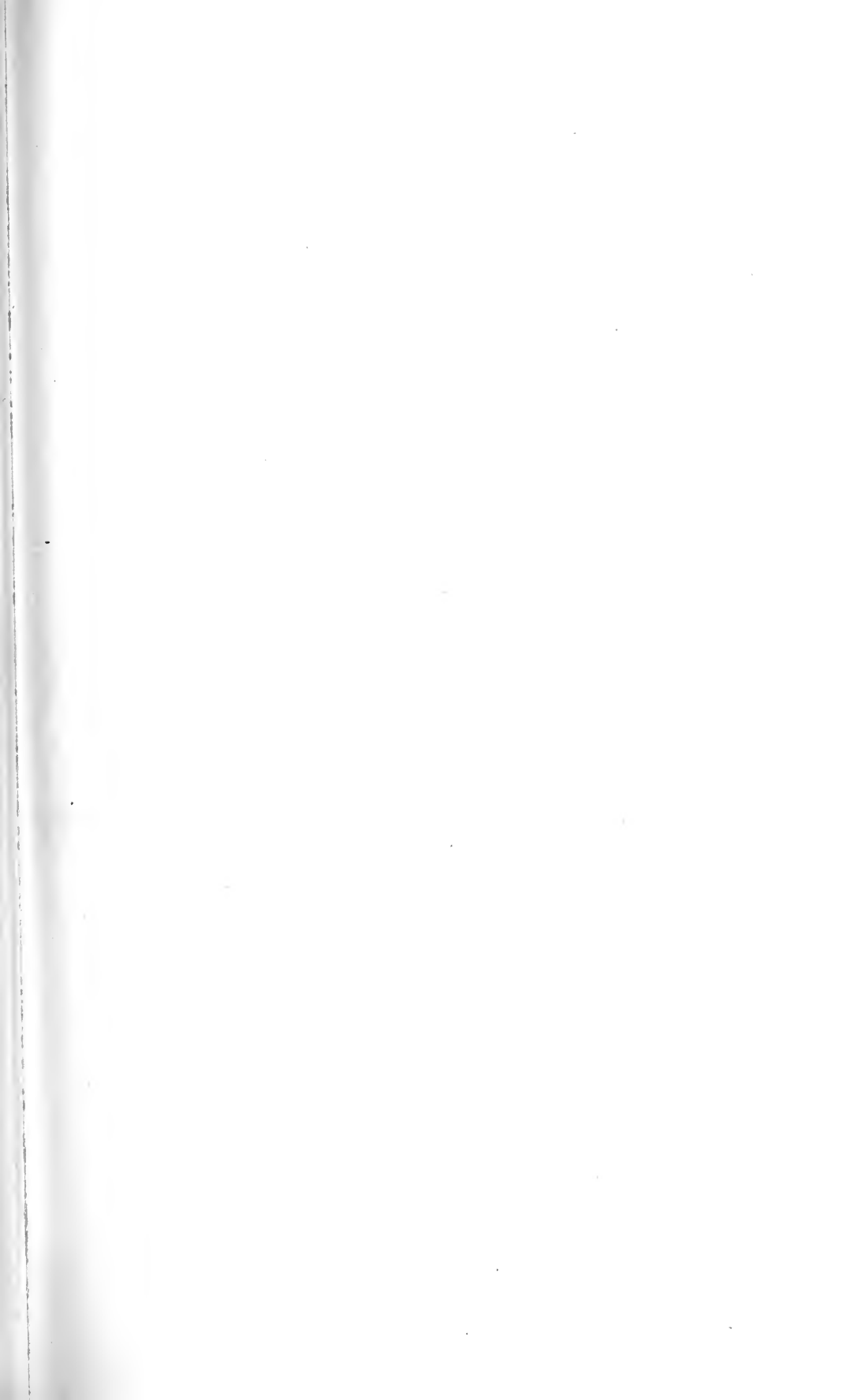
READ a third time and passed this day of , 1945.

.....
Mayor.

.....
Clerk.

Schedule "A"

Number	Interest	Principal	Total
1	\$240.00	\$2,588.24	\$2,828.24
2	162.35	2,665.89	2,828.24
3	82.37	2,745.87	2,828.24
		<u>\$8,000.00</u>	



An Act respecting the Town of Paris.

1st Reading

March 6th, 1946

2nd Reading

3rd Reading

MR. NIXON

(*Private Bill*)

No. 44

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Town of Paris.

MR. NIXON

BILL

An Act respecting the Town of Paris.

WHEREAS the Corporation of the Town of Paris has Preamble.
by its petition prayed for special legislation in respect
of the purchase and management of the Paris Arena and to
provide for the issue of debentures for \$8,000 to pay for the
same; and whereas it is expedient to grant the prayer of the
said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Subject to the approval of the Ontario Municipal Power to
Board, the council of the Town of Paris may pass proposed pass
by-law number 1064, set out as the schedule hereto, being a proposed
by-law to authorize the purchase by the Corporation of the By-law
Town of Paris of the Paris Arena property and equipment from No. 1064.
Paris Arena Limited and for the operation of the said Arena
as a municipal enterprise and to provide for the borrowing of
\$8,000 on debentures to pay the purchase price of the said
Arena.

(2) The said proposed by-law number 1064, when duly Validation.
passed and approved by the Ontario Municipal Board, shall be
legal, valid and binding upon the Corporation of the Town of
Paris and the ratepayers thereof.

2. This Act shall come into force on the day upon which it Commence-
receives the Royal Assent. ment of Act.

3. This Act may be cited as *The Town of Paris Act, 1946.* Short title.

SCHEDULE

BY-LAW NUMBER 1064

Of the Municipal Council of the Corporation of the Town of Paris being a by-law to authorize the purchase by the said Corporation of the Paris Arena property and equipment from Paris Arena Limited and the operation by the said Corporation of same as a municipal enterprise and to provide for the borrowing of \$8,000.00 on debentures to pay the purchase price of same.

WHEREAS Paris Arena Limited, a Company duly incorporated under the laws of the Province of Ontario and having its head office in the Town of Paris, wishes to sell all its arena property, buildings and equipment known as the "Paris Arena";

AND WHEREAS the Municipal Council of the Corporation of the Town of Paris deems it expedient to purchase and operate said Arena as a municipal enterprise;

AND WHEREAS the said Paris Arena Limited has agreed to sell same to the said Corporation for the sum of \$8,000.00;

AND WHEREAS it will be necessary to borrow the sum of \$8,000.00 on the credit of the said Corporation and to issue debentures of the said Corporation therefor, bearing interest at the rate of three per centum per annum, which amount of \$8,000.00 is the amount of the debt intended to be created by this by-law;

AND WHEREAS it is expedient to make the principal of the said debt repayable in yearly sums during the period of three years, in such amounts respectively that the aggregate amount payable for principal and interest in each year shall be equal as nearly as may be to the amount so payable for principal and interest in each of the other years;

AND WHEREAS it will be necessary to raise the annual sum of \$2,828.24 during the period of three years to pay the said principal money and interest as they become due;

AND WHEREAS the amount of the whole rateable property of the Municipality according to the last revised assessment roll is \$2,409,140.00;

AND WHEREAS the amount of the existing debenture debt of the said Corporation (exclusive of local improvement debts secured by special rates or assessments) is \$206,857.83 and no part of the principal or interest is in arrear;

BE IT THEREFORE ENACTED by the Municipal Council of the Corporation of the Town of Paris as follows:

1. That the Corporation of the Town of Paris purchase from said Paris Arena Limited the following lands and premises, namely: All and Singular that certain parcel or tract of lands and premises situate, lying and being in the Town of Paris, in the County of Brant and Province of Ontario and being composed of all of Lot Number Three, in Block Number Fifty-seven, according to the Plan of the said Town registered in the Registry Office for the Registry Division of the County of Brant as Number 492; together with all the buildings and appurtenances now erected thereon and all the equipment, fixtures, fittings, machinery, tools, furniture, supplies and effects now contained in the said buildings and/or situated on the said lands and premises for the sum of Eight Thousand Dollars (\$8,000.00).

2. That the said Corporation may manage and operate the property,

buildings and equipment aforesaid known as the Paris Arena as its Municipal Council may direct.

3. That the said sum of \$8,000.00 shall be used and expended for the purchase of same as aforesaid and for the said purpose there shall be borrowed on the credit of the said Corporation at large the sum of \$8,000.00 and debentures of the said Corporation shall be issued therefor in sums of not less than \$100.00 each, bearing interest at the rate of three per centum per annum and having interest coupons attached thereto for the payment of interest.

4. That the said debentures shall each bear the same date and shall be issued within two years from the day on which this by-law is passed and shall be dated on the day of issue thereof and may bear any date within such two years and the said debentures shall be payable in three annual instalments of the respective sums set forth in Schedule "A" hereto attached.

5. That the said debentures as to both principal and interest shall be expressed in Canadian currency.

6. That the Mayor of the said Corporation shall sign and issue the said debentures and interest coupons and the same shall also be signed by the Treasurer of the said Corporation and the said debentures shall be sealed with the seal of the said Corporation.

7. That during the three years the currency of the said debentures the sum of \$2,828.24 shall be raised annually for the purpose of paying the amount due in each of the said years for principal and interest in respect of the said debt as shown in Schedule "A" hereto attached and shall be levied and raised annually on all rateable property in the municipality.

8. That the debentures may contain any clause providing for the registration thereof, authorized by any Statute relating to municipal debentures at the time of issue thereof.

9. That the debentures issued under this by-law shall be redeemable at the option of the said Corporation at the office of the Treasurer of the said Corporation at the said Town of Paris on any date prior to maturity of the said debentures at the redeemable price of one hundred per centum of their face value together with accrued interest to the date set for redemption and such place of payment and such value at which such debenture may be so redeemed is to be specified in every debenture; provided that if only a portion of the debentures is to be redeemed the debentures to be redeemed shall be redeemed in reverse order of maturity and provided further that if part only of the debentures of any maturity is to be redeemed the debentures to be redeemed shall be selected by lot by the Treasurer of the said Town in such manner as he shall consider equitable; From and after the date set for redemption interest on the debentures shall cease to accrue and the debentures shall become due and payable on such date; Notice of the intention to redeem the said debentures shall be sent by post at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book and notice of the intention to redeem the said debentures shall be advertised by the said Corporation in the newspaper published in the said Town of Paris and in the Ontario Gazette and such advertisement shall appear in the newspaper and the Ontario Gazette at least thirty days prior to the date fixed for redemption; Such advertisement shall specify the date set for such redemption, the price of redemption and the redemption price thereof and shall state that from and after the date set for such redemption the interest on the debentures shall cease to accrue and that the debentures shall become due and payable on such date; The debentures when redemption takes place as aforesaid shall be cancelled forthwith.

10. That this by-law shall come into force and take effect on the day

of the passing thereof subject to its being approved by the Ontario Municipal Board and to its being assented to by the electors.

READ a first time this 7th day of February, 1945.

READ a second time this 7th day of February, 1945.

JOHN P. MCCAMMON,
Mayor.

WM. J. HAGGETT,
Clerk.

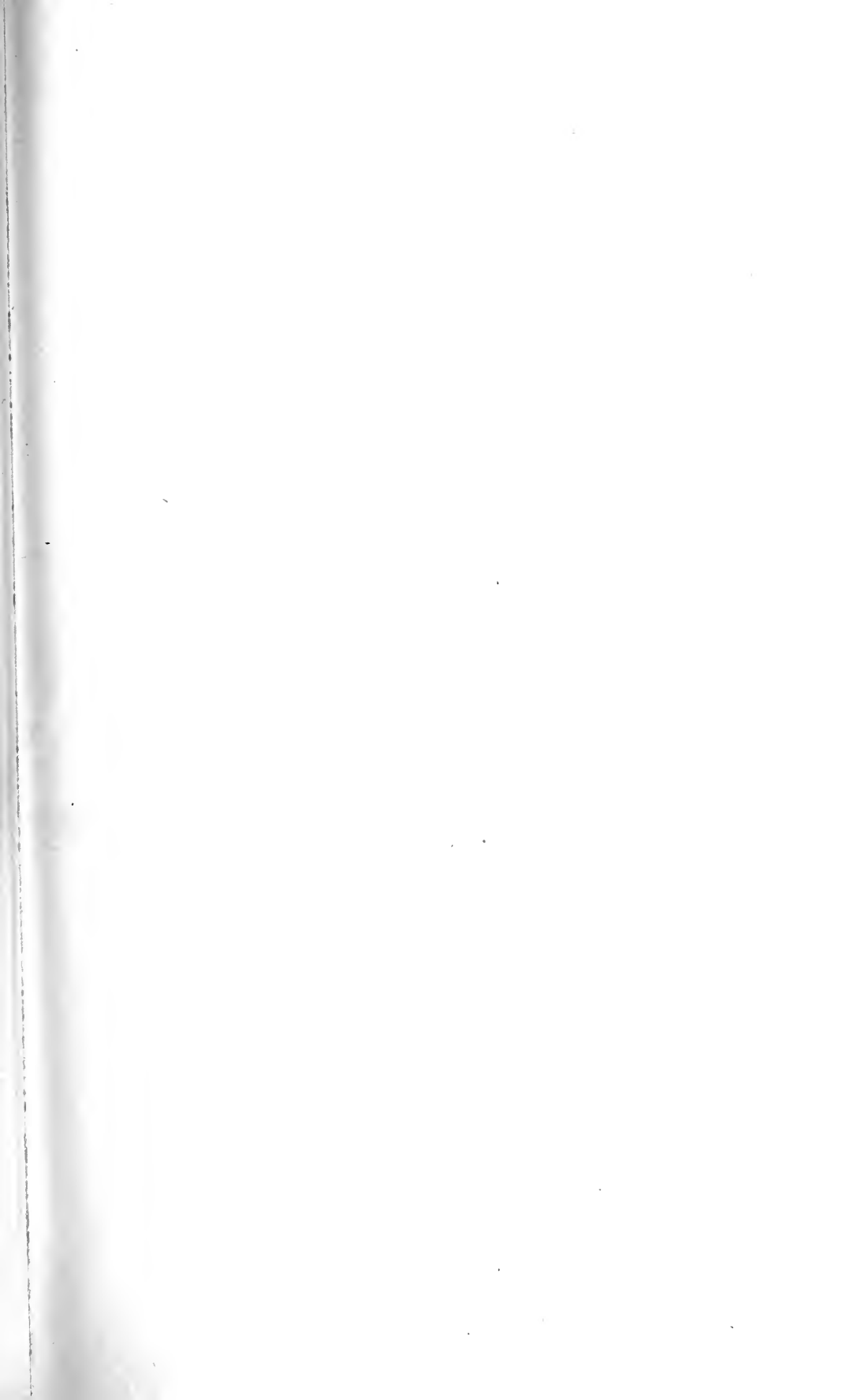
READ a third time and passed this day of , 1945.

.....
Mayor.

.....
Clerk.

Schedule "A"

Number	Interest	Principal	Total
1	\$240.00	\$2,588.24	\$2,828.24
2	162.35	2,665.89	2,828.24
3	82.37	2,745.87	2,828.24
		<u>\$8,000.00</u>	



BILL

An Act respecting the Town of Paris.

1st Reading

March 6th, 1946

2nd Reading

March 28th, 1946

3rd Reading

April 4th, 1946

MR. NIXON

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Professional Engineers Act.

MR. SCOTT

EXPLANATORY NOTES

GENERAL. This Bill incorporates provisions requested by the Association of Professional Engineers of Ontario.

SECTION 1—Subsection 1. This amendment is designed to bring the definition of professional engineering up to date and clarify it in some particulars.

Subsection 2. Complementary to section 7 of the Bill.

BILL

An Act to amend The Professional Engineers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 237, s. 1,
cl. *h*,
re-enacted.

- (*h*) "Professional engineering" save as hereinafter mentioned shall mean the advising on, the reporting on, the designing of, the supervising of the construction of, all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating docks, dredges, cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steel, concrete and reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric apparatus, electrical communication systems and equipment, mineral property, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery, and equipment and apparatus for carrying out such operations, machinery, boilers and their auxiliaries, steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures, chemical and metallurgical machinery, apparatus and processes, and aircraft and generally all other engineering works including the engineering works and installations relating to airports, airfields and landing strips and relating to town and community planning. "Professional engineering".

(2) Clause *l* of the said section 1 is amended by striking out the words "the vice-president" in the first line and inserting in lieu thereof the words "a vice-president", so that the said clause shall now read as follows: Rev. Stat.,
c. 237, s. 1,
cl. *l*,
amended.

"Vice-president."

(l) "Vice-president" shall mean a vice-president of the Association.

Rev. Stat.,
c. 237, s. 1,
amended.

(3) The said section 1 is further amended by inserting therein the following clauses:

"Graduate";

(cc) "Graduate" shall mean a graduate from a university recognized by the Council in any branch of engineering or science, the practice of which constitutes professional engineering;

"Undergraduate".

(kk) "Undergraduate" shall mean a student enrolled at but not graduated from a university recognized by the Council in a course in any branch of engineering or science the practice of which constitutes professional engineering.

Rev. Stat.,
c. 237, s. 2,
re-enacted.

2. Section 2 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Where Act
not to bar
practice of
profession.

2. Nothing in this Act contained shall prevent or be deemed to prevent,—

(a) any person from performing his duties in His Majesty's armed forces;

Rev. Stat.,
c. 233.

(b) any member or licensee of the Ontario Association of Architects under *The Architects Act* or any employee of such member or licensee acting under the direction and responsibility of such member or licensee from performing professional engineering services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an architect;

Rev. Stat.,
c. 238.

(c) any person from practising his trade or calling of a stationary engineer who holds a certificate under *The Operating Engineers Act* or from so designating himself;

(d) any person from practising his profession, trade or calling as a bacteriologist, chemist, geologist, mineralogist or physicist;

(e) any person from advising on or reporting on any mineral property or prospect, or from advising on, reporting on, designing, or supervising the construction of any mining plant, mining machinery, mining development, mining operations, gas and oil developments,

Subsection 3. The terms "graduate" and "undergraduate" are used in certain of the amendments and are defined accordingly.

SECTION 2. This amendment re-enacts substantially the present section 2. Clause *b* is amended to make it clear that the exemption as to employees of members or licensees applies only to work being done under the direction and responsibility of the member or licensee. Clause *c* is amended by adding "metallurgist" to those exempted. The former provision that none of these persons could designate himself as a professional engineer unless registered or licensed is now left out but see section 10 of this Bill and new section 33 as re-enacted in this Bill.

SECTION 3. This amendment clarifies the power of the Association to deal with real property.

SECTION 4. This re-enactment gives the Council wider powers to make by-laws. Specifically the new powers are to provide for remuneration and reimbursement of members of the Council, a fee on application for registration or for a license, etc., and generally advancing the standards of the profession under clauses *j*, *k* and *l*.

smelters, refineries, metallurgical machinery, or equipment, apparatus, or plant or anything in connection therewith for carrying out such operations, or chemical machinery, apparatus or processes;

- (j) any person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master,

or to require any such person to become registered or licensed under the provisions of this Act to so perform or practise.

3. Subsection 3 of section 3 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 3, subs. 3, re-enacted.

- (3) The Association may purchase, acquire or take by gift, devise, bequest or donation for the purposes of the Association and the furtherance of its objects but for no other purposes or objects and may sell, mortgage, lease or otherwise dispose of, any real or personal property. Power to acquire and hold property.

4. Section 4 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 4, re-enacted.

- 4.—(1) The Council may pass by-laws or amendments to existing by-laws for,— By-laws.

- (a) the admission and registration of members and the recording of licensees, and of graduates, undergraduates and persons serving under articles;
- (b) the keeping of a register of members and licensees;
- (c) the fixing of dates and places of meeting of the Association and the Council;
- (d) the government and discipline of the members;
- (e) the election of the Council;
- (f) the remuneration and re-imbursement of members of the Council;
- (g) the election or appointment of the officers of the Association;

- (h) the fixing, levying and collecting of a fee not exceeding \$25 on each application for registration as a member or for a licence to practise or for recording as a graduate, undergraduate or person serving under articles and for the fixing, levying and collecting of an annual fee from each member or licensee not exceeding \$10 per annum;
- (i) the management of the property of the Association;
- (j) the establishment of scholarships, bursaries and prizes;
- (k) instituting and providing means for increasing the knowledge and skill of professional engineers, for advancing their status and well-being, and for maintaining a high standard of professional ethics among them;
- (l) the application of the funds of the Association for the purposes aforesaid and the furtherance of its objects; and the investment of its funds not immediately required as aforesaid, in securities authorized by law for the investment of trust funds;
- (m) generally all such other purposes as may be deemed necessary or convenient for the management of the Association and the conduct of its business.

Idem.

- (2) As between members of the Association the ruling of Council on the construction and interpretation of its by-laws shall be final.

Rev. Stat.,
c. 237, s. 5,
re-enacted.

5. Section 5 of *The Professional Engineers Act* is repealed and the following substituted therefor:

By-law to
be sub-
mitted to
members of
Association.

- 5. No by-law hereafter passed by council and no amendment hereafter made by council to any existing by-law shall be valid or acted upon until it has been,—
 - (a) submitted to the members of the Association for approval by means of a letter-ballot returnable within thirty days after the mailing thereof and unless a majority of those voting within the prescribed time have approved thereof; and

SECTION 5. Due to the large and widespread membership of the Association it is more convenient to provide for the members' approval of by-laws by means of a letter-ballot.

SECTION 6—Subsection 1. This is to place metallurgical engineers in the same branch as chemical engineers for purposes of representation on council and registration.

Subsection 2. Subsection 2 of section 6 contained provisions as to a person qualified in more than one branch registering in each branch for which he is qualified but voting in only one branch. This is no longer desired by the Association.

SECTION 7—Subsection 1. Provides for a new office of second vice-president and for his election and powers. The amendment to subsection 4 of section 8 of the Act arises out of the repeal of subsection 2 of section 6 of the Act and provides that the term of councillors appointed by the Lieutenant-Governor in Council shall not exceed five years. The amendment to subsection 5 of section 8 creates the office of treasurer.

(b) approved by the Lieutenant-Governor in Council.

6.—(1) Subsection 1 of section 6 of *The Professional Engineers Act* is amended by striking out all the words after the word “branches” in the fourth line and inserting in lieu thereof the words “civil, mechanical, chemical and metallurgical, electrical, mining”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 237, s. 6,
subs. 1,
amended.

(1) For purposes of representation upon the council and for registration, and for such purposes only as are hereinafter set out, membership of the Association shall be subdivided into the following branches: civil, mechanical, chemical and metallurgical, electrical, mining.

Classification.

(2) Subsection 2 of the said section 6 is repealed.

Rev. Stat.,
c. 237, s. 6,
subs. 2,
repealed.

7.—(1) Subsections 1, 3, 4 and 5 of section 8 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 8,
subs. 1, 3,
4 and 5, re-
enacted.

(1) The council shall consist of a president, a first vice-president and a second vice-president, an immediate past-president and three councillors from each branch of the Association, all of whom shall be registered members of the Association and domiciled in Ontario.

Council.

(3) The vice-presidents shall be elected annually by vote of the members and the first vice-president shall have all the powers of the president during his absence, and the second vice-president shall have all the powers of the president during the absence of the president and the first vice-president, provided always that if the second vice-president resides in Toronto and the first does not the council may by resolution authorize the second vice-president to have all or any part of the powers of the president while the president and first vice-president are absent from Toronto.

Vice-presidents,—
election of.

(4) Two councillors shall be elected annually from each branch of the Association by the votes of the registered members in such branch, but any member heretofore registered in more than one branch may vote in only one branch according to his selection, and he may transfer his vote to any other branch in which he is registered upon the approval of the coun-

Election of
councillors.

cil. and one councillor from each branch of the Association shall be appointed by the Lieutenant-Governor in Council for a term not exceeding five years.

Secretary
and trea-
surer,—
appointment
of.

- (5) The Council shall appoint a registrar and a secretary and a treasurer who shall hold office during the pleasure of the Council and any two or more of such offices may be held by one person.

Rev. Stat.,
c. 237, s. 8,
amended.

- (2) The said section 8 is further amended by adding thereto the following subsections:

Vacancies.

- (6) In case of the death, resignation or incapacity of any officer or councillor the office shall be declared vacant by the council and, except in the case of a councillor appointed by the Lieutenant-Governor in Council, the council shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and absence from three consecutive meetings may be treated by the council as incapacity.

Vacancy in
office of
councillors
appointed by
Lieutenant-
Governor
in Council.

- (7) In the case of a vacancy in the office of a councillor appointed by the Lieutenant-Governor in Council the Lieutenant-Governor in Council may fill the vacancy.

Rev. Stat.,
c. 237,
ss. 10, 11, 12,
repealed.

8. Sections 10, 11 and 12 of *The Professional Engineers Act* are repealed.

Rev. Stat.,
c. 237,
ss. 13, 14, 15,
16 and 17,
re-enacted.

9. Sections 13, 14, 15, 16 and 17 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Qualifica-
tion for
membership.

- 13.—(1) Any applicant for membership who,—

- (a) is domiciled in Ontario;
- (b) is of the full age of twenty-one years or over;
- (c) has passed the examinations prescribed by the council or is exempted therefrom pursuant to the provisions of this Act;
- (d) has had five years or more experience in engineering work satisfactory to council; and
- (e) provides satisfactory evidence of good character,

shall be registered by the council as a member of the Association.

Subsection 2. The two new subsections provide for the filling of vacancies in the event of the death, resignation or incapacity of a councillor or officer.

SECTION 8. The sections repealed deal with the registration and application for membership of persons engaged in engineering as of March 25th, 1937. As registration was required before March 25th, 1938, these sections are no longer applicable

SECTION 9. The new section 13 provides the qualifications required for membership in the Association. Domicile in Ontario is now required where residence only was required in the past. This section covers the majority of the provisions of the present section 16 of the Act as well as dealing with graduates of recognized universities.

The new section 14 changes the rule regarding admission to membership of persons who are members of a similar association in another province. Domicile in Ontario is now required.

The new section 15 enacts the same requirement as to persons who are members of similar associations in the British Commonwealth of Nations or the United States of America.

The new section 16 contains the provisions regarding undergraduates and persons serving under articles which are contained in the present section 16 and not provided for in the new section 13.

The amendments to subsections 1-3 of section 17 follow from the Association's wish that domicile rather than mere residence should be an important factor. The amendment to subsection 4 of section 17 is to permit an applicant to practise while awaiting the receipt of his license except where delay is occasioned by some question as to his professional capacity or by his own neglect. The amendment to subsection 5 of section 17 is complementary to the provisions of the new subsection 4 of section 26.

- (2) Each applicant for membership shall submit upon the forms prescribed by the council evidence of his educational qualifications and engineering experience, a proper certificate as to his age, such information as may be required as to his domicile and at least three references as to his character and engineering experience, and he may be required by council to verify the statements set out in his application by affidavit or statutory declaration. ^{Evidence of qualifications.}
- (3) Each application for membership shall state the branch in which the applicant desires to be enrolled and the application shall be referred to those members of council who represent that branch for their consideration and such councillors or a majority of them shall report to the Council as to whether or not they consider the engineering experience acquired by the applicant to be satisfactory. ^{Report of councillors for branch.}
- (4) If the applicant is a graduate in any branch of engineering or of science, the practice of which constitutes professional engineering, from a university recognized by the council, the applicant, upon presenting evidence of the actual time during which he was under instruction in the university shall be granted the time spent under such instruction in reduction of the period of engineering experience above required, but the total exemption granted shall not exceed four years. ^{Credit for time spent at university.}
- (5) In determining the examinations to be prescribed for the applicant regard shall be had to whether or not he is a graduate of a university recognized by the council and to the examinations which he has passed to obtain his degree and the Council on the advice of the members of council representing the branch to which the applicant seeks admission or a majority of them may, having regard to the examinations passed by the applicant to obtain his university degree, grant exemption to him from the prescribed examinations required for registration as a member of the Association or from some of such examinations. ^{Credit for examinations passed at university.}
14. Any person domiciled in Ontario who is a duly registered member of an association of professional engineers in any province of Canada similarly constituted to this Association, may upon application made to council be admitted to membership upon satisfactory proof of domicile and of membership in such association. ^{Members of associations of other provinces.}

Members of
other asso-
ciations.

15. Any person domiciled in Ontario who is a registered member of any association or institute in other parts of the British Commonwealth of Nations or in the United States of America similarly constituted to this Association, and which grants reciprocal privileges and who applies for membership in this Association, may be admitted to membership upon producing to council satisfactory proof of such domicile and of membership in such association or institute.

Graduates, Students and Apprentices.

Recording
persons
with the
association.

16. Persons who are engaged as apprentices or assistants to professional engineers and who contemplate writing the prescribed examinations of the Association and undergraduates and graduates who have not completed the full five years of engineering experience within the meaning of this Act and who contemplate applying for registration on the completion of such experience may be recorded with the Association but not as members of the Association until fully qualified and upon being recorded shall be subject to the control of the Council and to the by-laws of the Association.

Licensing.

Members of
associations
of other
provinces
not domi-
ciled in
Ontario.

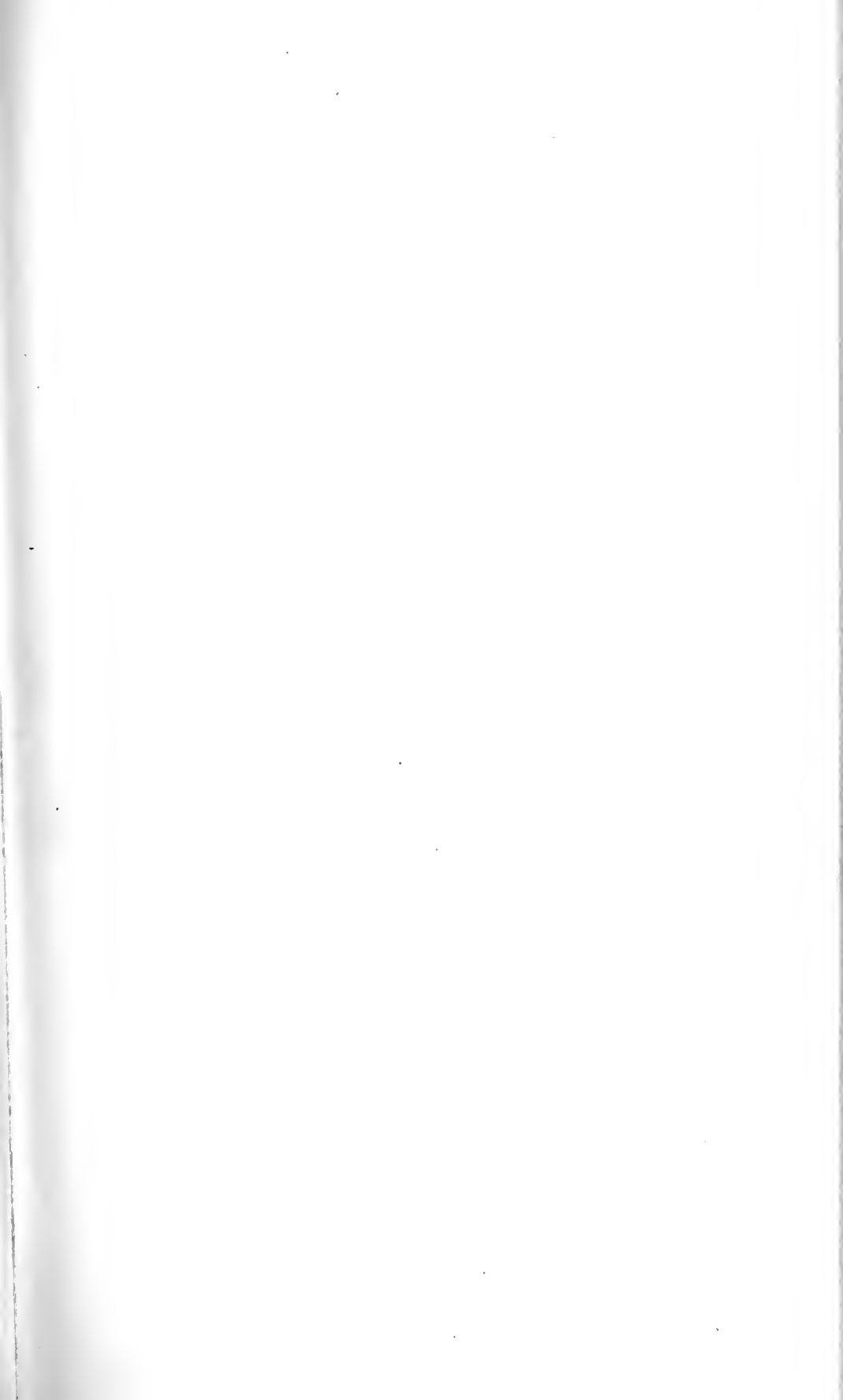
- 17.—(1) Any person domiciled in Canada but not in Ontario who is a registered member of an association of engineers similarly constituted of any other province of Canada may upon application obtain from the registrar a license to practise as a professional engineer in Ontario upon production of evidence of his registry in such other province.

Consulting
specialist not
domiciled
in Canada.

- (2) Any person who is not domiciled in Canada, but who in the opinion of the members of council in any branch is recognized as a consulting specialist in such branch of engineering, and has had not less than ten years of experience in the practice of his profession, or who presents evidence to satisfy such members of council that he has equal qualifications with those required for registration in such branch of the profession, may, with the approval of the members of council of such branch, be granted a license to practise in that branch.

Person from
province
where no
association.

- (3) Any professional engineer who is domiciled in a province of Canada in which there is no association of engineers similarly constituted to the Association



SECTION 10. The new subsection is designed to limit the use of the word "engineer" other than by persons within the intention of the Act. The purpose of the subsection is to ensure that the public is not misled by unqualified persons holding themselves out as qualified engineers.

SECTION 11. Section 20 of the Act is now outdated as it referred to engineers who had served in the war of 1914-1918. The new section 20 provides that a person who has served in an engineering capacity in the forces during World War II may be given credit for this service as part of the term of employment required before registration.

Section 21 is no longer necessary as the age qualification is set out in new section 13 of the Act.

SECTIONS 12 and 13. Revise and simplify some of the rules regarding examinations.

may obtain a license to practise in a branch of engineering, subject to the approval of the members of council representing such branch.

- (4) In the event of an applicant for a license failing to ^{Practise by applicant} obtain it promptly for any reason unrelated to his ^{for license.} professional capacity or his own neglect he may practise as a professional engineer in Ontario for a period of not more than three months without such license.

- (5) Any such license granted under the provisions of this ^{Form and conditions of license.} section shall be in the form and be limited to the period and for the work provided by subsection 4 of section 26.

10. Subsection 1 of section 19 of *The Professional Engineers Act* is repealed and the following substituted therefor: ^{Rev. Stat., c. 237, s. 19, subs. 1, re-enacted.}

- (1) Only a person who is a member of the Association or ^{Use of titles.} who has obtained a license shall be entitled to take and use the title "Professional Engineer," or "Registered Professional Engineer" or any abbreviation thereof, or except as herein otherwise provided to take and use the title "Engineer" or any abbreviation thereof in such context or in such a manner as to lead to the belief that he is a professional engineer.

11. Sections 20 and 21 of *The Professional Engineers Act* ^{Rev. Stat., c. 237, s. 20, re-enacted; s. 21, repealed.} are repealed and the following substituted therefor:

20. A person applying for membership who has served ^{Members of the forces.} in an engineering capacity with the armed forces of Canada or her allies during the war which commenced in September, 1939, shall be granted as part of the term of employment required before registration the whole time of such service or such part thereof as the Council may direct.

12. Section 23 of *The Professional Engineers Act* is repealed ^{Rev. Stat., c. 237, s. 23, re-enacted.} and the following substituted therefor:

23. The council shall appoint annually a board of exam- ^{Board of examiners.} iners from nominations made by members of council representing each of the branches.

13. Subsection 2 of section 24 of *The Professional Engineers Act* is repealed and the following substituted therefor: ^{Rev. Stat., c. 237, s. 24, subs. 2, re-enacted.}

- (2) The scope of the examinations and the methods of ^{Scope of examinations.} procedure shall be prescribed by the board of ex-

aminers, subject to the approval of council, with special reference to the applicant's ability to design and supervise engineering works which will insure the safety of life and property.

Rev. Stat.,
c. 237, s. 26,
re-enacted.

14. Section 26 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Certificate
of member-
ship.

26.—(1) The registrar shall issue to each member admitted to the Association a certificate of membership signed by the president or a vice-president and the registrar, and shall bear the seal of the Association.

Certificate
to be
displayed.

(2) Every member shall keep his certificate of membership prominently displayed in his place of business.

Property in
certificate.

(3) Every certificate of membership shall be the property of the Association and shall be returned forthwith by the member to the Association when his membership ceases.

Licenses.

(4) The registrar shall issue a license to practise to any person entitled thereto, such license to specify the work upon which and the name of the employer in Ontario by whom the holder of the license is to be employed and the period for which it is issued, but in no case shall the period extend beyond the end of the calendar year in which such license was issued.

Names of
licensees and
members to
be enrolled
in register.

(5) The registrar shall enroll in the register provided by the council the names of all persons admitted to the Association by the council, also the names of all persons licensed by the council.

Record of
apprentices,
assistants,
under-
graduates,
graduates.

(6) The registrar shall keep a record of persons engaged as apprentices or assistants to professional engineers and undergraduates and graduates who make application to be recorded pursuant to section 16.

Rev. Stat.,
c. 237,
ss. 32, 33,
re-enacted.

15. Sections 32 and 33 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Reprimand,
censure,
suspension,
expulsion.

32.—(1) The council may, in its discretion, suspend or cancel the membership or license of any person who has been guilty of unprofessional conduct, or of gross negligence or incompetence or of continued breach of the by-laws of the Association, or any member or licensee convicted of a serious criminal offence by a court of competent jurisdiction, or may reprimand or censure such member or licensee.

SECTION 14. Subsection 1 of section 26 amends the provisions of the present subsection as to the form of certificate of membership. Subsections 2 and 3 provide for the display of the certificate in the member's place of business, and for the return of the certificate to the Association when his membership ceases. Subsection 4 amends the former subsection 2 so as to have the work for which a license is issued more clearly set out in the license. Subsections 5 and 6 provide for the keeping of records of persons engaged in engineering.

SECTION 15. Sections 32 and 33 were formerly the provisions regarding suspension, expulsion and penalties.

Subsections 1 and 2 of the new section 32 merely enlarge the former subsections to include holders of a license as well as members. Subsection 3 re-enacts the present subsection 3. Subsection 4 provides that the appeal from any suspension or cancellation shall be to the Court of Appeal where at present it is to a Supreme Court judge. The time for appeal is reduced from sixty days to fifteen days. The balance of the subsection is procedural. The decision of the Court of Appeal is final. Subsection 5 re-enacts the former subsection amended to include the holder of a license.

The new section 32a protects the members of the Council and officers acting under the statute and by-laws passed thereunder.

The new section 33 re-enacts the present section with the additional or alternative penalty of imprisonment for not more than three months for a second offence.

- (2) The council shall not take any such action until after ^{Procedure.} a complaint under oath has been filed with the secretary or the registrar, and a copy forwarded to the member or licensee accused, who shall be given an opportunity of submitting evidence in his defence and the council shall not suspend or cancel a membership or license without having previously summoned the member or licensee to appear before the council, nor without having heard evidence under oath offered in support of the complaint and in behalf of the member or licensee accused.
- (3) The council shall have the same powers as com- ^{Powers of council.} missioners under *The Public Inquiries Act* to compel witnesses to appear and give evidence under oath ^{Rev. Stat., c. 19.} in the manner and under penalties prescribed by such Act, and all such evidence shall be taken in writing or by a duly qualified stenographer.
- (4) Any person whose membership or license has been ^{Appeal.} suspended or cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of the Supreme Court judge presiding at a trial, and the Court of Appeal shall have power to confirm, vary, vacate or set aside such order or to make such other order as it may deem just, and to make an order for payment of the costs of the appeal, and there shall be no further or other appeal.
- (5) Pending an appeal the member or licensee whose ^{Pending appeal.} membership or license is suspended or cancelled may continue to practise, but unless the order of suspension or cancellation is set aside he shall not practise after the appeal has been disposed of, except that in the case of a suspension, he may practise upon and after the expiry of the period of suspension.
- 32a. No action shall be brought against the council or ^{No action.} any member or officer thereof for anything done under this Act or under any by-law passed in accordance therewith.

Penalties.

33. Any person in the Province of Ontario who, not being ^{When un-} registered as a member of the Association in the ^{registered or} Province of Ontario, or licensed by the Association, — ^{unlicensed} person ^{practises.}

Penalty.

- (a) uses verbally or otherwise the title of professional engineer, or makes use of any addition to or abbreviation of such title, or of any words, name or designation that will lead to the belief that he is a professional engineer or a member of the Association, or except as permitted by section 2 uses the title or designation "Engineer" in such a manner as will lead to the belief that he is a professional engineer or member of the Association;
- (b) advertises or holds himself out or, except as provided by section 2, conducts himself in any way or by any means as a member of the Association or professional engineer; or
- (c) engages in the practice of professional engineering,

shall incur a penalty of not less than \$100 nor more than \$200 for the first offence, and of not less than \$200 nor more than \$500 or imprisonment for a period not exceeding three months, or both, for any subsequent offence.

Short title.

16. This Act may be cited as *The Professional Engineers Amendment Act, 1946*.





An Act to amend The Professional
Engineers Act.

1st Reading

March 18th, 1946

2nd Reading

3rd Reading

MR. SCOTT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Professional Engineers Act.

MR. SCOTT

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

GENERAL. This Bill incorporates provisions requested by the Association of Professional Engineers of Ontario.

SECTION 1—Subsection 1. This amendment is designed to bring the definition of professional engineering up to date and clarify it in some particulars.

Subsection 2. Complementary to section 7 of the Bill.

BILL

An Act to amend The Professional Engineers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 1,
cl. *h*,
re-enacted.

(*h*) "Professional engineering" save as hereinafter mentioned shall mean the advising on, the reporting on, the designing of, the supervising of the construction of, all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating docks, dredges, cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steel, concrete and reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric apparatus, electrical communication systems and equipment, mineral property, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery, and equipment and apparatus for carrying out such operations, machinery, boilers and their auxiliaries, steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures, chemical and metallurgical machinery, apparatus and processes, and aircraft and generally all other engineering works including the engineering works and installations relating to airports, airfields and landing strips and relating to town and community planning.

(2) Clause *l* of the said section 1 is amended by striking out the words "the vice-president" in the first line and inserting in lieu thereof the words "a vice-president", so that the said clause shall now read as follows:

Rev. Stat.,
c. 237, s. 1,
cl. *l*,
amended.

"Vice-president."

(l) "Vice-president" shall mean a vice-president of the Association.

Rev. Stat.,
c. 237, s. 1,
amended.

(3) The said section 1 is further amended by inserting therein the following clauses:

"Graduate";

(cc) "Graduate" shall mean a graduate from a university recognized by the Council in any branch of engineering or science, the practice of which constitutes professional engineering;

"Undergraduate".

(kk) "Undergraduate" shall mean a student enrolled at but not graduated from a university recognized by the Council in a course in any branch of engineering or science the practice of which constitutes professional engineering.

Rev. Stat.,
c. 237, s. 2,
re-enacted.

2. Section 2 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Where Act
not to bar
practise of
profession.

2. Nothing in this Act contained shall prevent or be deemed to prevent,—

(a) any person from performing his duties in His Majesty's armed forces;

Rev. Stat.,
c. 233.

(b) any member or licensee of the Ontario Association of Architects under *The Architects Act* or any employee of such member or licensor acting under the direction and responsibility of such member or licensee from performing professional engineering services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an architect;

Rev. Stat.,
c. 238.

(c) any person from practising his trade or calling of a stationary engineer who holds a certificate under *The Operating Engineers Act* or from so designating himself;

(d) any person from practising his profession, trade or calling as a bacteriologist, chemist, geologist, mineralogist or physicist;

(e) any person from advising on or reporting on any mineral property or prospect, or from advising on, reporting on, designing, or supervising the construction of any mining plant, mining machinery, mining development, mining operations, gas and oil developments,

Subsection 3. The terms "graduate" and "undergraduate" are used in certain of the amendments and are defined accordingly.

SECTION 2. This amendment re-enacts substantially the present section 2. Clause *b* is amended to make it clear that the exemption as to employees of members or licensees applies only to work being done under the direction and responsibility of the member or licensee. Clause *c* is amended by adding "metallurgist" to those exempted. The former provision that none of these persons could designate himself as a professional engineer unless registered or licensed is now left out but see section 10 of this Bill and new section 33 as re-enacted in this Bill.

SECTION 3. This amendment clarifies the power of the Association to deal with real property.

SECTION 4. This re-enactment gives the Council wider powers to make by-laws. Specifically the new powers are to provide for remuneration and reimbursement of members of the Council, a fee on application for registration or for a license, etc., and generally advancing the standards of the profession under clauses *j*, *k* and *l*.

smelters, refineries, metallurgical machinery, or equipment, apparatus, or plant or anything in connection therewith for carrying out such operations, or chemical machinery, apparatus or processes;

- (f) any person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master,

or to require any such person to become registered or licensed under the provisions of this Act to so perform or practise.

3. Subsection 3 of section 3 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 3, subs. 3, re-enacted.

- (3) The Association may purchase, acquire or take by gift, devise, bequest or donation for the purposes of the Association and the furtherance of its objects but for no other purposes or objects and may sell, mortgage, lease or otherwise dispose of, any real or personal property. Power to acquire and hold property.

4. Section 4 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 4, re-enacted.

4.—(1) The Council may pass by-laws or amendments to existing by-laws for,— By-laws.

- (a) the admission and registration of members and the recording of licensees, and of graduates, undergraduates and persons serving under articles;
- (b) the keeping of a register of members and licensees;
- (c) the fixing of dates and places of meeting of the Association and the Council;
- (d) the government and discipline of the members;
- (e) the election of the Council;
- (f) the remuneration and re-imbursement of members of the Council;
- (g) the election or appointment of the officers of the Association;

- (h) the fixing, levying and collecting of a fee not exceeding \$25 on each application for registration as a member or for a licence to practise or for recording as a graduate, undergraduate or person serving under articles and for the fixing, levying and collecting of an annual fee from each member or licensee not exceeding \$10 per annum;
- (i) the management of the property of the Association;
- (j) the establishment of scholarships, bursaries and prizes;
- (k) instituting and providing means for increasing the knowledge and skill of professional engineers, for advancing their status and well-being, and for maintaining a high standard of professional ethics among them;
- (l) the application of the funds of the Association for the purposes aforesaid and the furtherance of its objects; and the investment of its funds not immediately required as aforesaid, in securities authorized by law for the investment of trust funds;
- (m) generally all such other purposes as may be deemed necessary or convenient for the management of the Association and the conduct of its business.

Idem.

- (2) As between members of the Association the ruling of Council on the construction and interpretation of its by-laws shall be final.

Rev. Stat.,
c. 237, s. 5,
re-enacted.

5. Section 5 of *The Professional Engineers Act* is repealed and the following substituted therefor:

By-law to
be sub-
mitted to
members of
Association.

- 5. No by-law hereafter passed by council and no amendment hereafter made by council to any existing by-law shall be valid or acted upon until it has been,—
 - (a) submitted to the members of the Association for approval by means of a letter-ballot returnable within thirty days after the mailing thereof and unless a majority of those voting within the prescribed time have approved thereof; and

SECTION 5. Due to the large and widespread membership of the Association it is more convenient to provide for the members' approval of by-laws by means of a letter-ballot.

SECTION 6—Subsection 1. This is to place metallurgical engineers in the same branch as chemical engineers for purposes of representation on council and registration.

Subsection 2. Subsection 2 of section 6 contained provisions as to a person qualified in more than one branch registering in each branch for which he is qualified but voting in only one branch. This is no longer desired by the Association.

SECTION 7—Subsection 1. Provides for a new office of second vice-president and for his election and powers. The amendment to subsection 4 of section 8 of the Act arises out of the repeal of subsection 2 of section 6 of the Act and provides that the term of councillors appointed by the Lieutenant-Governor in Council shall not exceed five years. The amendment to subsection 5 of section 8 creates the office of treasurer.

(b) approved by the Lieutenant-Governor in Council.

6.—(1) Subsection 1 of section 6 of *The Professional Engineers Act* is amended by striking out all the words after the word “branches” in the fourth line and inserting in lieu thereof the words “civil, mechanical, chemical and metallurgical, electrical, mining”, so that the said subsection shall now read as follows:

Rev. Stat.,
c. 237, s. 6,
subs. 1,
amended.

- (1) For purposes of representation upon the council and for registration, and for such purposes only as are hereinafter set out, membership of the Association shall be subdivided into the following branches: civil, mechanical, chemical and metallurgical, electrical, mining.

Classifica-
tion.

- (2) Subsection 2 of the said section 6 is repealed.

Rev. Stat.,
c. 237, s. 6,
subs. 2,
repealed.

7.—(1) Subsections 1, 3, 4 and 5 of section 8 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 8,
subs. 1, 3,
4 and 5, re-
enacted.

- (1) The council shall consist of a president, a first vice-president and a second vice-president, an immediate past-president and three councillors from each branch of the Association, all of whom shall be registered members of the Association and domiciled in Ontario.

Council.

- (3) The vice-presidents shall be elected annually by vote of the members and the first vice-president shall have all the powers of the president during his absence, and the second vice-president shall have all the powers of the president during the absence of the president and the first vice-president, provided always that if the second vice-president resides in Toronto and the first does not the council may by resolution authorize the second vice-president to have all or any part of the powers of the president while the president and first vice-president are absent from Toronto.

Vice-
presidents,—
election of.

- (4) Two councillors shall be elected annually from each branch of the Association by the votes of the registered members in such branch, but any member heretofore registered in more than one branch may vote in only one branch according to his selection, and he may transfer his vote to any other branch in which he is registered upon the approval of the coun-

Election of
councillors.

cil, and one councillor from each branch of the Association shall be appointed by the Lieutenant-Governor in Council for a term not exceeding five years.

Secretary
and trea-
surer,—
appointment
of.

- (5) The Council shall appoint a registrar and a secretary and a treasurer who shall hold office during the pleasure of the Council and any two or more of such offices may be held by one person.

Rev. Stat.,
c. 237, s. 8,
amended.

- (2) The said section 8 is further amended by adding thereto the following subsections:

Vacancies.

- (6) In case of the death, resignation or incapacity of any officer or councillor the office shall be declared vacant by the council and, except in the case of a councillor appointed by the Lieutenant-Governor in Council, the council shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and absence from three consecutive meetings may be treated by the council as incapacity.

Vacancy in
office of
councillors
appointed by
Lieutenant-
Governor
in Council.

- (7) In the case of a vacancy in the office of a councillor appointed by the Lieutenant-Governor in Council the Lieutenant-Governor in Council may fill the vacancy.

Rev. Stat.,
c. 237,
ss. 10, 11, 12,
repealed.

8. Sections 10, 11 and 12 of *The Professional Engineers Act* are repealed.

Rev. Stat.,
c. 237,
ss. 13, 14, 15,
16 and 17,
re-enacted.

9. Sections 13, 14, 15, 16 and 17 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Qualifica-
tion for
membership.

- 13.—(1) Any applicant for membership who,—

- (a) is resident in Ontario;
- (b) is of the full age of twenty-one years or over;
- (c) has passed the examinations prescribed by the council or is exempted therefrom pursuant to the provisions of this Act;
- (d) has had five years or more experience in engineering work satisfactory to council; and
- (e) provides satisfactory evidence of good character,

shall be registered by the council as a member of the Association.

Subsection 2. The two new subsections provide for the filling of vacancies in the event of the death, resignation or incapacity of a councillor or officer.

SECTION 8. The sections repealed deal with the registration and application for membership of persons engaged in engineering as of March 25th, 1937. As registration was required before March 25th, 1938, these sections are no longer applicable.

SECTION 9. The new section 13 provides the qualifications required for membership in the Association. This section covers the majority of the provisions of the present section 16 of the Act as well as dealing with graduates of recognized universities.

The new section 14 re-enacts the substance of the present section 14.

The new section 15 re-enacts the substance of the present section 15.

The new section 16 contains the provisions regarding undergraduates and persons serving under articles which are contained in the present section 16 and not provided for in the new section 13.

The amendment to subsection 4 of section 17 is to permit an applicant to practise while awaiting the receipt of his license except where delay is occasioned by some question as to his professional capacity or by his own neglect. The amendment to subsection 5 of section 17 is complementary to the provisions of the new subsection 4 of section 26.

- (2) Each applicant for membership shall submit upon the forms prescribed by the council evidence of his educational qualifications and engineering experience, a proper certificate as to his age, such information as may be required as to his residence and at least three references as to his character and engineering experience, and he may be required by council to verify the statements set out in his application by affidavit or statutory declaration. ^{Evidence of qualifications.}
- (3) Each application for membership shall state the branch in which the applicant desires to be enrolled and the application shall be referred to those members of council who represent that branch for their consideration and such councillors or a majority of them shall report to the Council as to whether or not they consider the engineering experience acquired by the applicant to be satisfactory. ^{Report of councillors for branch.}
- (4) If the applicant is a graduate in any branch of engineering or of science, the practice of which constitutes professional engineering, from a university recognized by the council, the applicant, upon presenting evidence of the actual time during which he was under instruction in the university shall be granted the time spent under such instruction in reduction of the period of engineering experience above required, but the total exemption granted shall not exceed four years. ^{Credit for time spent at university.}
- (5) In determining the examinations to be prescribed for the applicant regard shall be had to whether or not he is a graduate of a university recognized by the council and to the examinations which he has passed to obtain his degree and the Council on the advice of the members of council representing the branch to which the applicant seeks admission or a majority of them may, having regard to the examinations passed by the applicant to obtain his university degree, grant exemption to him from the prescribed examinations required for registration as a member of the Association or from some of such examinations. ^{Credit for examinations passed at university.}
14. Any person resident in Ontario who is a duly registered member of an association of professional engineers in any province of Canada similarly constituted to this Association, may upon application made to council be admitted to membership upon satisfactory proof of residence and of membership in such association. ^{Members of associations of other provinces.}

Members of
other asso-
ciations.

15. Any person resident in Ontario who is a registered member of any association or institute in other parts of the British Commonwealth of Nations or in the United States of America similarly constituted to this Association, and which grants reciprocal privileges and who applies for membership in this Association, may be admitted to membership upon producing to council satisfactory proof of such residence and of membership in such association or institute.

Graduates, Students and Apprentices.

Recording
persons
with the
association.

16. Persons who are engaged as apprentices or assistants to professional engineers and who contemplate writing the prescribed examinations of the Association and undergraduates and graduates who have not completed the full five years of engineering experience within the meaning of this Act and who contemplate applying for registration on the completion of such experience may be recorded with the Association but not as members of the Association until fully qualified and upon being recorded shall be subject to the control of the Council and to the by-laws of the Association.

Licensing.

Members of
associations
of other
provinces
not resi-
dent in
Ontario.

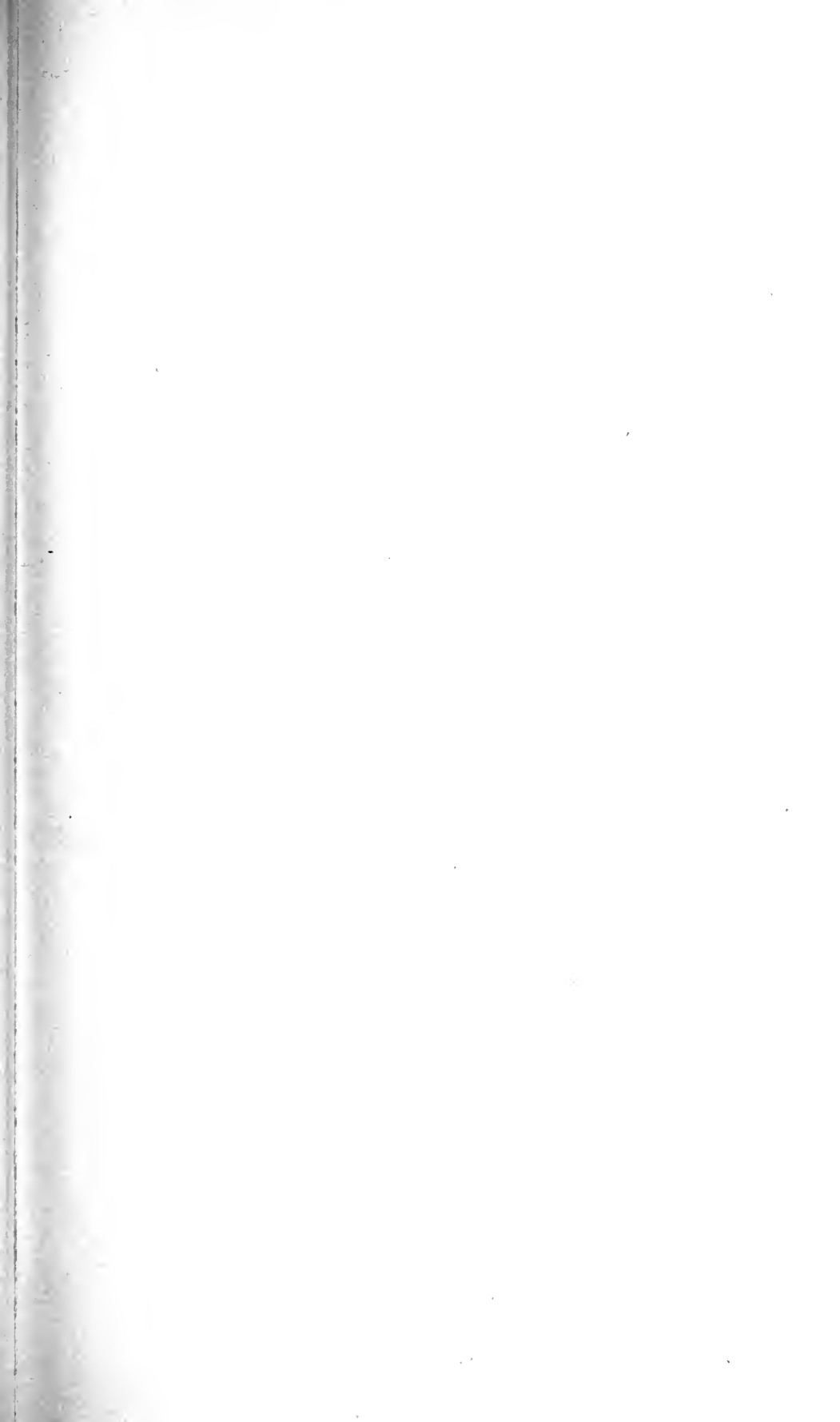
- 17.—(1) Any person resident in Canada but not in Ontario who is a registered member of an association of engineers similarly constituted of any other province of Canada may upon application obtain from the registrar a license to practise as a professional engineer in Ontario upon production of evidence of his registry in such other province.

Consulting
specialist not
resident
in Canada.

- (2) Any person who is not resident in Canada, but who in the opinion of the members of council in any branch is recognized as a consulting specialist in such branch of engineering, and has had not less than ten years of experience in the practice of his profession, or who presents evidence to satisfy such members of council that he has equal qualifications with those required for registration in such branch of the profession, may, with the approval of the members of council of such branch, be granted a license to practise in that branch.

Person from
province
where no
association.

- (3) Any professional engineer who is resident in a province of Canada in which there is no association of engineers similarly constituted to the Association



SECTION 10. The new subsection is designed to limit the use of the word "engineer" other than by persons within the intention of the Act. The purpose of the subsection is to ensure that the public is not misled by unqualified persons holding themselves out as qualified engineers.

SECTION 11. Section 20 of the Act is now outdated as it referred to engineers who had served in the war of 1914-1918. The new section 20 provides that a person who has served in an engineering capacity in the forces during World War II may be given credit for this service as part of the term of employment required before registration.

Section 21 is no longer necessary as the age qualification is set out in new section 13 of the Act.

SECTIONS 12 and 13. Revise and simplify some of the rules regarding examinations.

may obtain a license to practise in a branch of engineering, subject to the approval of the members of council representing such branch.

- (4) In the event of an applicant for a license failing to obtain it promptly for any reason unrelated to his professional capacity or his own neglect he may practise as a professional engineer in Ontario for a period of not more than three months without such license.

- (5) Any such license granted under the provisions of this section shall be in the form and be limited to the period and for the work provided by subsection 4 of section 26.

10. Subsection 1 of section 19 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 19,
subs. 1,
re-enacted.

- (1) Only a person who is a member of the Association or who has obtained a license shall be entitled to take and use the title "Professional Engineer," or "Registered Professional Engineer" or any abbreviation thereof, or except as herein otherwise provided to take and use the title "Engineer" or any abbreviation thereof in such context or in such a manner as to lead to the belief that he is a professional engineer.

Use of
titles.

11. Sections 20 and 21 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 20,
re-enacted;
s. 21,
repealed.

20. A person applying for membership who has served in an engineering capacity with the armed forces of Canada or her allies during the war which commenced in September, 1939, shall be granted as part of the term of employment required before registration the whole time of such service or such part thereof as the Council may direct.

Members
of the
forces.

12. Section 23 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 23,
re-enacted.

23. The council shall appoint annually a board of examiners from nominations made by members of council representing each of the branches.

Board of
examiners.

13. Subsection 2 of section 24 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 24,
subs. 2,
re-enacted.

- (2) The scope of the examinations and the methods of procedure shall be prescribed by the board of ex-

Scope of
examina-
tions.

aminers, subject to the approval of council, with special reference to the applicant's ability to design and supervise engineering works which will insure the safety of life and property.

Rev. Stat.,
c. 237, s. 26,
re-enacted.

14. Section 26 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Certificate
of member-
ship.

26.—(1) The registrar shall issue to each member admitted to the Association a certificate of membership signed by the president or a vice-president and the registrar, and shall bear the seal of the Association.

Certificate
to be
displayed.

(2) Every member shall keep his certificate of membership prominently displayed in his place of business.

Property in
certificate.

(3) Every certificate of membership shall be the property of the Association and shall be returned forthwith by the member to the Association when his membership ceases.

Licenses.

(4) The registrar shall issue a license to practise to any person entitled thereto, such license to specify the work upon which and the name of the employer in Ontario by whom the holder of the license is to be employed and the period for which it is issued, but in no case shall the period extend beyond the end of the calendar year in which such license was issued.

Names of
licensees and
members to
be enrolled
in register.

(5) The registrar shall enroll in the register provided by the council the names of all persons admitted to the Association by the council, also the names of all persons licensed by the council.

Record of
apprentices,
assistants,
under-
graduates,
graduates.

(6) The registrar shall keep a record of persons engaged as apprentices or assistants to professional engineers and undergraduates and graduates who make application to be recorded pursuant to section 16.

Rev. Stat.,
c. 237,
ss. 32, 33,
re-enacted.

15. Sections 32 and 33 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Reprimand,
censure,
suspension,
expulsion.

32.—(1) The council may, in its discretion, suspend or cancel the membership or license of any person who has been guilty of unprofessional conduct, or of gross negligence or incompetence or of continued breach of the by-laws of the Association, or any member or licensee convicted of a serious criminal offence by a court of competent jurisdiction, or may reprimand or censure such member or licensee.

SECTION 14. Subsection 1 of section 26 amends the provisions of the present subsection as to the form of certificate of membership. Subsections 2 and 3 provide for the display of the certificate in the member's place of business, and for the return of the certificate to the Association when his membership ceases. Subsection 4 amends the former subsection 2 so as to have the work for which a license is issued more clearly set out in the license. Subsections 5 and 6 provide for the keeping of records of persons engaged in engineering.

SECTION 15. Sections 32 and 33 were formerly the provisions regarding suspension, expulsion and penalties.

Subsections 1 and 2 of the new section 32 merely enlarge the former subsections to include holders of a license as well as members. Subsection 3 re-enacts the present subsection 3. Subsection 4 provides that the appeal from any suspension or cancellation shall be to the Court of Appeal where at present it is to a Supreme Court judge. The time for appeal is reduced from sixty days to fifteen days. The balance of the subsection is procedural. The decision of the Court of Appeal is final. Subsection 5 re-enacts the former subsection amended to include the holder of a license.

The new section 32a protects the members of the Council and officers acting under the statute and by-laws passed thereunder.

The new section 33 re-enacts the present section with the additional or alternative penalty of imprisonment for not more than three months for a second offence.

- (2) The council shall not take any such action until after Procedure.
a complaint under oath has been filed with the secretary or the registrar, and a copy forwarded to the member or licensee accused, who shall be given an opportunity of submitting evidence in his defence and the council shall not suspend or cancel a membership or license without having previously summoned the member or licensee to appear before the council, nor without having heard evidence under oath offered in support of the complaint and in behalf of the member or licensee accused.
- (3) The council shall have the same powers as commissioners under *The Public Inquiries Act* to compel Powers of council.
witnesses to appear and give evidence under oath Rev. Stat., c. 19.
in the manner and under penalties prescribed by such Act, and all such evidence shall be taken in writing or by a duly qualified stenographer.
- (4) Any person whose membership or license has been Appeal.
suspended or cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of the Supreme Court judge presiding at a trial, and the Court of Appeal shall have power to confirm, vary, vacate or set aside such order or to make such other order as it may deem just, and to make an order for payment of the costs of the appeal, and there shall be no further or other appeal.
- (5) Pending an appeal the member or licensee whose Pending appeal.
membership or license is suspended or cancelled may continue to practise, but unless the order of suspension or cancellation is set aside he shall not practise after the appeal has been disposed of, except that in the case of a suspension, he may practise upon and after the expiry of the period of suspension.
- 32a. No action shall be brought against the council or No action.
any member or officer thereof for anything done under this Act or under any by-law passed in accordance therewith.

Penalties.

33. Any person in the Province of Ontario who, not being When un-registered or unlicensed person practises.
registered as a member of the Association in the Province of Ontario, or licensed by the Association,—

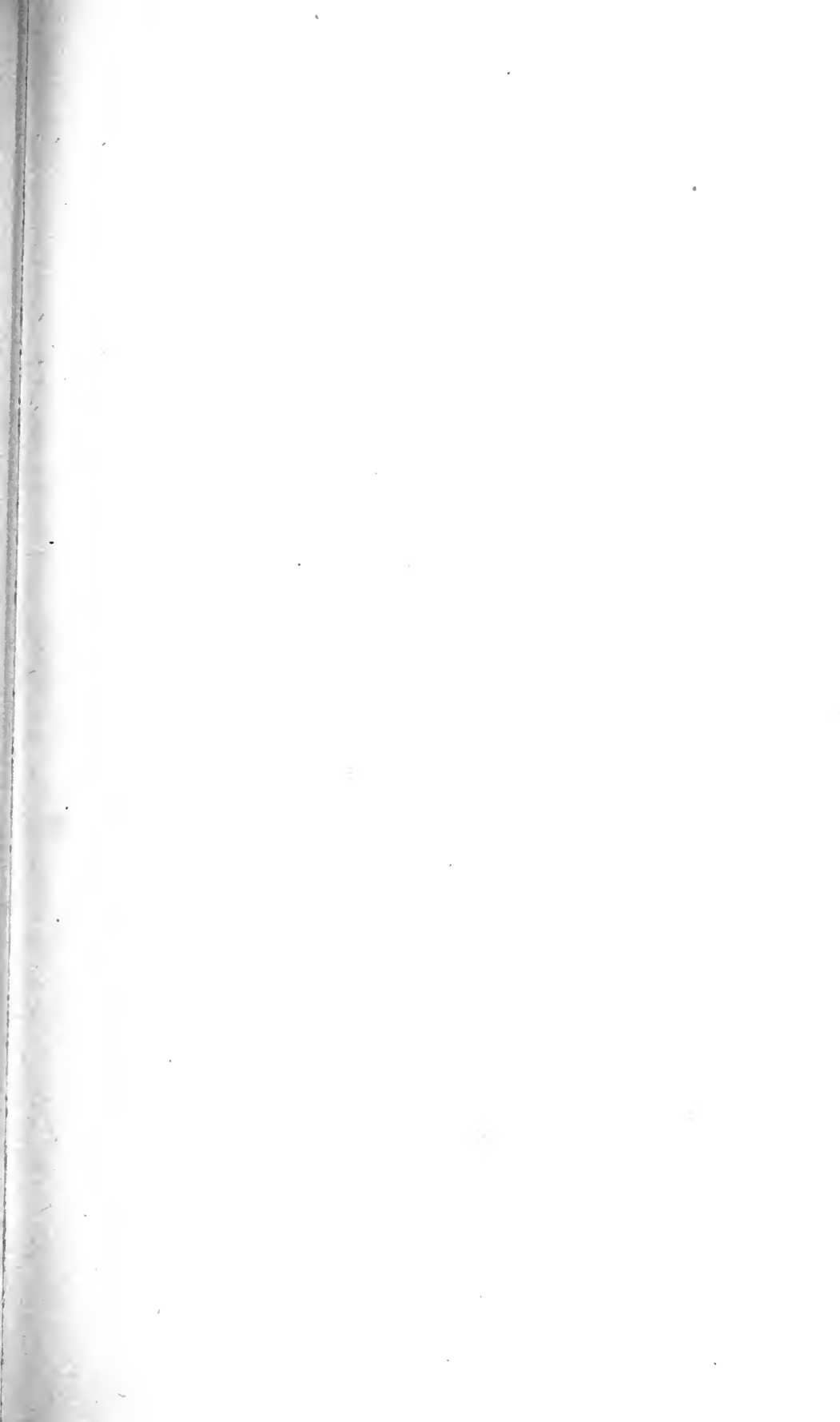
Penalty.

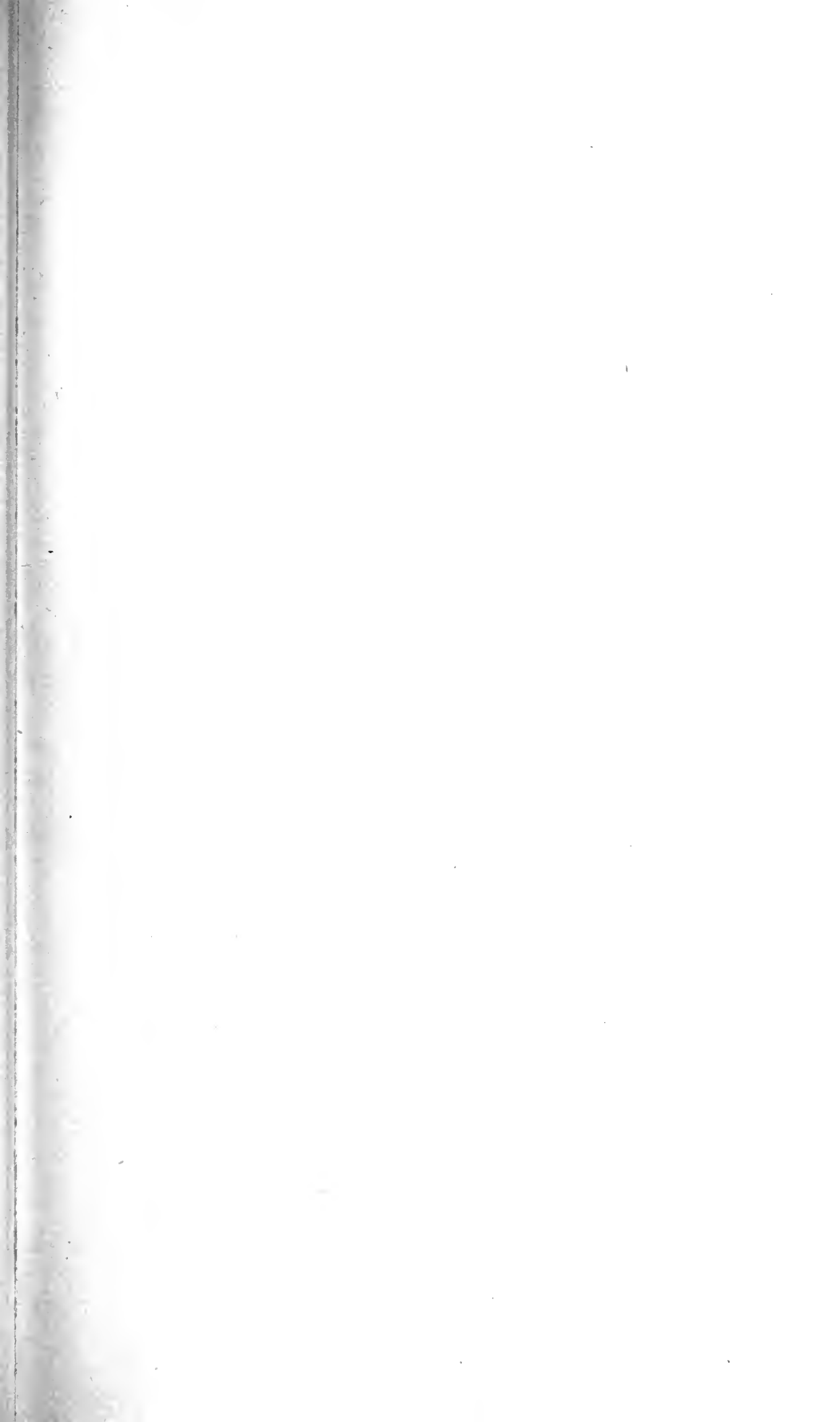
- (a) uses verbally or otherwise the title of professional engineer, or makes use of any addition to or abbreviation of such title, or of any words, name or designation that will lead to the belief that he is a professional engineer or a member of the Association, or except as permitted by section 2 uses the title or designation "Engineer" in such a manner as will lead to the belief that he is a professional engineer or member of the Association;
- (b) advertises or holds himself out or, except as provided by section 2, conducts himself in any way or by any means as a member of the Association or professional engineer; or
- (c) engages in the practice of professional engineering,

shall incur a penalty of not less than \$100 nor more than \$200 for the first offence, and of not less than \$200 nor more than \$500 or imprisonment for a period not exceeding three months, or both, for any subsequent offence.

Short title.

16. This Act may be cited as *The Professional Engineers Amendment Act, 1946*.





BILL.

An Act to amend The Professional
Engineers Act.

1st Reading

March 18th, 1946

2nd Reading

March 29th, 1946

3rd Reading

MR. SCOTT

(Reprinted as amended in Committee of the
Whole House.)

No. 45

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Professional Engineers Act.

MR. SCOTT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Professional Engineers Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 1,
cl. *h*,
re-enacted.

- (*h*) "Professional engineering" save as hereinafter mentioned shall mean the advising on, the reporting on, the designing of, the supervising of the construction of, all public utilities, industrial works, railways, tramways, bridges, tunnels, highways, roads, canals, harbour works, lighthouses, river improvements, wet docks, dry docks, floating docks, dredges, cranes, drainage works, irrigation works, waterworks, water purification plants, sewerage works, sewage disposal works, incinerators, hydraulic works, power transmission systems, steel, concrete and reinforced concrete structures, electric lighting systems, electric power plants, electric machinery, electric apparatus, electrical communication systems and equipment, mineral property, mining machinery, mining development, mining operations, gas and oil developments, smelters, refineries, metallurgical machinery, and equipment and apparatus for carrying out such operations, machinery, boilers and their auxiliaries, steam engines, hydraulic turbines, pumps, internal combustion engines and other mechanical structures, chemical and metallurgical machinery, apparatus and processes, and aircraft and generally all other engineering works including the engineering works and installations relating to airports, airfields and landing strips and relating to town and community planning.

"Professional engineering".

- (2) Clause *l* of the said section 1 is amended by striking out the words "the vice-president" in the first line and inserting in lieu thereof the words "a vice-president", so that the said clause shall now read as follows:

Rev. Stat.,
c. 237, s. 1,
cl. *l*,
amended.

"Vice-president."

(l) "Vice-president" shall mean a vice-president of the Association.

Rev. Stat.,
c. 237, s. 1,
amended.

(3) The said section 1 is further amended by inserting therein the following clauses:

"Graduate";

(cc) "Graduate" shall mean a graduate from a university recognized by the Council in any branch of engineering or science, the practice of which constitutes professional engineering;

"Undergraduate".

(kk) "Undergraduate" shall mean a student enrolled at but not graduated from a university recognized by the Council in a course in any branch of engineering or science the practice of which constitutes professional engineering.

Rev. Stat.,
c. 237, s. 2,
re-enacted.

2. Section 2 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Where Act
not to bar
practise of
profession.

2. Nothing in this Act contained shall prevent or be deemed to prevent,—

(a) any person from performing his duties in His Majesty's armed forces;

Rev. Stat.,
c. 233.

(b) any member or licensee of the Ontario Association of Architects under *The Architects Act* or any employee of such member or licensor acting under the direction and responsibility of such member or licensee from performing professional engineering services in the course of any work undertaken or proposed to be undertaken by such member or licensee as an architect;

Rev. Stat.,
c. 238.

(c) any person from practising his trade or calling of a stationary engineer who holds a certificate under *The Operating Engineers Act* or from so designating himself;

(d) any person from practising his profession, trade or calling as a bacteriologist, chemist, geologist, mineralogist or physicist;

(e) any person from advising on or reporting on any mineral property or prospect, or from advising on, reporting on, designing, or supervising the construction of any mining plant, mining machinery, mining development, mining operations, gas and oil developments,

smelters, refineries, metallurgical machinery, or equipment, apparatus, or plant or anything in connection therewith for carrying out such operations, or chemical machinery, apparatus or processes;

- (j) any person from operating, executing or supervising any works as owner, contractor, superintendent, foreman, inspector or master,

or to require any such person to become registered or licensed under the provisions of this Act to so perform or practise.

3. Subsection 3 of section 3 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 3, subs. 3, re-enacted.

- (3) The Association may purchase, acquire or take by gift, devise, bequest or donation for the purposes of the Association and the furtherance of its objects but for no other purposes or objects and may sell, mortgage, lease or otherwise dispose of, any real or personal property. Power to acquire and hold property.

4. Section 4 of *The Professional Engineers Act* is repealed and the following substituted therefor: Rev. Stat., c. 237, s. 4, re-enacted.

4.—(1) The Council may pass by-laws or amendments to existing by-laws for,— By-laws.

- (a) the admission and registration of members and the recording of licensees, and of graduates, undergraduates and persons serving under articles;
- (b) the keeping of a register of members and licensees;
- (c) the fixing of dates and places of meeting of the Association and the Council;
- (d) the government and discipline of the members;
- (e) the election of the Council;
- (f) the remuneration and re-imbursement of members of the Council;
- (g) the election or appointment of the officers of the Association;

- (h) the fixing, levying and collecting of a fee not exceeding \$25 on each application for registration as a member or for a licence to practise or for recording as a graduate, undergraduate or person serving under articles and for the fixing, levying and collecting of an annual fee from each member or licensee not exceeding \$10 per annum;
- (i) the management of the property of the Association;
- (j) the establishment of scholarships, bursaries and prizes;
- (k) instituting and providing means for increasing the knowledge and skill of professional engineers, for advancing their status and well-being, and for maintaining a high standard of professional ethics among them;
- (l) the application of the funds of the Association for the purposes aforesaid and the furtherance of its objects; and the investment of its funds not immediately required as aforesaid, in securities authorized by law for the investment of trust funds;
- (m) generally all such other purposes as may be deemed necessary or convenient for the management of the Association and the conduct of its business.

Idem.

- (2) As between members of the Association the ruling of Council on the construction and interpretation of its by-laws shall be final.

Rev. Stat.,
c. 237, s. 5,
re-enacted.

5. Section 5 of *The Professional Engineers Act* is repealed and the following substituted therefor:

By-law to
be sub-
mitted to
members of
Association.

- 5. No by-law hereafter passed by council and no amendment hereafter made by council to any existing by-law shall be valid or acted upon until it has been,—

- (a) submitted to the members of the Association for approval by means of a letter-ballot returnable within thirty days after the mailing thereof and unless a majority of those voting within the prescribed time have approved thereof; and

(b) approved by the Lieutenant-Governor in Council.

6.—(1) Subsection 1 of section 6 of *The Professional Engineers Act* is amended by striking out all the words after the word "branches" in the fourth line and inserting in lieu thereof the words "civil, mechanical, chemical and metallurgical, electrical, mining", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 237, s. 6,
subs. 1,
amended.

(1) For purposes of representation upon the council and for registration, and for such purposes only as are hereinafter set out, membership of the Association shall be subdivided into the following branches: civil, mechanical, chemical and metallurgical, electrical, mining.

Classifica-
tion.

(2) Subsection 2 of the said section 6 is repealed.

Rev. Stat.,
c. 237, s. 6,
subs. 2,
repealed.

7.—(1) Subsections 1, 3, 4 and 5 of section 8 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 237, s. 8,
subs. 1, 3,
4 and 5, re-
enacted.

(1) The council shall consist of a president, a first vice-president and a second vice-president, an immediate past-president and three councillors from each branch of the Association, all of whom shall be registered members of the Association and domiciled in Ontario.

Council.

(3) The vice-presidents shall be elected annually by vote of the members and the first vice-president shall have all the powers of the president during his absence, and the second vice-president shall have all the powers of the president during the absence of the president and the first vice-president, provided always that if the second vice-president resides in Toronto and the first does not the council may by resolution authorize the second vice-president to have all or any part of the powers of the president while the president and first vice-president are absent from Toronto.

Vice-
presidents,—
election of.

(4) Two councillors shall be elected annually from each branch of the Association by the votes of the registered members in such branch, but any member heretofore registered in more than one branch may vote in only one branch according to his selection, and he may transfer his vote to any other branch in which he is registered upon the approval of the coun-

Election of
councillors.

cil, and one councillor from each branch of the Association shall be appointed by the Lieutenant-Governor in Council for a term not exceeding five years.

Secretary
and trea-
surer.—
appointment
of.

- (5) The Council shall appoint a registrar and a secretary and a treasurer who shall hold office during the pleasure of the Council and any two or more of such offices may be held by one person.

Rev. Stat.,
c. 237, s. 8,
amended.

- (2) The said section 8 is further amended by adding thereto the following subsections:

Vacancies.

- (6) In case of the death, resignation or incapacity of any officer or councillor the office shall be declared vacant by the council and, except in the case of a councillor appointed by the Lieutenant-Governor in Council, the council shall fill the vacancy in such manner as may be provided by the by-laws of the Association for the balance of the term and absence from three consecutive meetings may be treated by the council as incapacity.

Vacancy in
office of
councillors
appointed by
Lieutenant-
Governor
in Council.

- (7) In the case of a vacancy in the office of a councillor appointed by the Lieutenant-Governor in Council the Lieutenant-Governor in Council may fill the vacancy.

Rev. Stat.,
c. 237,
ss. 10, 11, 12,
repealed.

8. Sections 10, 11 and 12 of *The Professional Engineers Act* are repealed.

Rev. Stat.,
c. 237,
ss. 13, 14, 15,
16 and 17,
re-enacted.

9. Sections 13, 14, 15, 16 and 17 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Qualifica-
tion for
membership.

- 13.—(1) Any applicant for membership who,—

- (a) is resident in Ontario;
- (b) is of the full age of twenty-one years or over;
- (c) has passed the examinations prescribed by the council or is exempted therefrom pursuant to the provisions of this Act;
- (d) has had five years or more experience in engineering work satisfactory to council; and
- (e) provides satisfactory evidence of good character,

shall be registered by the council as a member of the Association.

- (2) Each applicant for membership shall submit upon the forms prescribed by the council evidence of his educational qualifications and engineering experience, a proper certificate as to his age, such information as may be required as to his residence and at least three references as to his character and engineering experience, and he may be required by council to verify the statements set out in his application by affidavit or statutory declaration. ^{Evidence of qualifications.}
- (3) Each application for membership shall state the branch in which the applicant desires to be enrolled and the application shall be referred to those members of council who represent that branch for their consideration and such councillors or a majority of them shall report to the Council as to whether or not they consider the engineering experience acquired by the applicant to be satisfactory. ^{Report of councillors for branch.}
- (4) If the applicant is a graduate in any branch of engineering or of science, the practice of which constitutes professional engineering, from a university recognized by the council, the applicant, upon presenting evidence of the actual time during which he was under instruction in the university shall be granted the time spent under such instruction in reduction of the period of engineering experience above required, but the total exemption granted shall not exceed four years. ^{Credit for time spent at university.}
- (5) In determining the examinations to be prescribed for the applicant regard shall be had to whether or not he is a graduate of a university recognized by the council and to the examinations which he has passed to obtain his degree and the Council on the advice of the members of council representing the branch to which the applicant seeks admission or a majority of them may, having regard to the examinations passed by the applicant to obtain his university degree, grant exemption to him from the prescribed examinations required for registration as a member of the Association or from some of such examinations. ^{Credit for examinations passed at university.}
14. Any person resident in Ontario who is a duly registered member of an association of professional engineers in any province of Canada similarly constituted to this Association, may upon application made to council be admitted to membership upon satisfactory proof of residence and of membership in such association. ^{Members of associations of other provinces.}

Members of
other asso-
ciations.

15. Any person resident in Ontario who is a registered member of any association or institute in other parts of the British Commonwealth of Nations or in the United States of America similarly constituted to this Association, and which grants reciprocal privileges and who applies for membership in this Association, may be admitted to membership upon producing to council satisfactory proof of such residence and of membership in such association or institute.

Graduates, Students and Apprentices.

Recording
persons
with the
association.

16. Persons who are engaged as apprentices or assistants to professional engineers and who contemplate writing the prescribed examinations of the Association and undergraduates and graduates who have not completed the full five years of engineering experience within the meaning of this Act and who contemplate applying for registration on the completion of such experience may be recorded with the Association but not as members of the Association until fully qualified and upon being recorded shall be subject to the control of the Council and to the by-laws of the Association.

Licensing.

Members of
associations
of other
provinces
not resi-
dent in
Ontario.

- 17.—(1) Any person resident in Canada but not in Ontario who is a registered member of an association of engineers similarly constituted of any other province of Canada may upon application obtain from the registrar a license to practise as a professional engineer in Ontario upon production of evidence of his registry in such other province.

Consulting
specialist not
resident
in Canada.

- (2) Any person who is not resident in Canada, but who in the opinion of the members of council in any branch is recognized as a consulting specialist in such branch of engineering, and has had not less than ten years of experience in the practice of his profession, or who presents evidence to satisfy such members of council that he has equal qualifications with those required for registration in such branch of the profession, may, with the approval of the members of council of such branch, be granted a license to practise in that branch.

Person from
province
where no
association.

- (3) Any professional engineer who is resident in a province of Canada in which there is no association of engineers similarly constituted to the Association

may obtain a license to practise in a branch of engineering, subject to the approval of the members of council representing such branch.

- (4) In the event of an applicant for a license failing to obtain it promptly for any reason unrelated to his professional capacity or his own neglect he may practise as a professional engineer in Ontario for a period of not more than three months without such license.

Practise by applicant for license.

- (5) Any such license granted under the provisions of this section shall be in the form and be limited to the period and for the work provided by subsection 4 of section 26.

Form and conditions of license.

10. Subsection 1 of section 19 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat., c. 237, s. 19, subs. 1, re-enacted.

- (1) Only a person who is a member of the Association or who has obtained a license shall be entitled to take and use the title "Professional Engineer," or "Registered Professional Engineer" or any abbreviation thereof, or except as herein otherwise provided to take and use the title "Engineer" or any abbreviation thereof in such context or in such a manner as to lead to the belief that he is a professional engineer.

Use of titles.

11. Sections 20 and 21 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Rev. Stat., c. 237, s. 20, re-enacted; s. 21, repealed.

20. A person applying for membership who has served in an engineering capacity with the armed forces of Canada or her allies during the war which commenced in September, 1939, shall be granted as part of the term of employment required before registration the whole time of such service or such part thereof as the Council may direct.

Members of the forces.

12. Section 23 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat., c. 237, s. 23, re-enacted.

23. The council shall appoint annually a board of examiners from nominations made by members of council representing each of the branches.

Board of examiners.

13. Subsection 2 of section 24 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Rev. Stat., c. 237, s. 24, subs. 2, re-enacted.

- (2) The scope of the examinations and the methods of procedure shall be prescribed by the board of ex-

Scope of examinations.

aminers, subject to the approval of council, with special reference to the applicant's ability to design and supervise engineering works which will insure the safety of life and property.

Rev. Stat.,
c. 237, s. 26,
re-enacted.

14. Section 26 of *The Professional Engineers Act* is repealed and the following substituted therefor:

Certificate
of member-
ship.

26.—(1) The registrar shall issue to each member admitted to the Association a certificate of membership signed by the president or a vice-president and the registrar, and shall bear the seal of the Association.

Certificate
to be
displayed.

(2) Every member shall keep his certificate of membership prominently displayed in his place of business.

Property in
certificate.

(3) Every certificate of membership shall be the property of the Association and shall be returned forthwith by the member to the Association when his membership ceases.

Licenses.

(4) The registrar shall issue a license to practise to any person entitled thereto, such license to specify the work upon which and the name of the employer in Ontario by whom the holder of the license is to be employed and the period for which it is issued, but in no case shall the period extend beyond the end of the calendar year in which such license was issued.

Names of
licensees and
members to
be enrolled
in register.

(5) The registrar shall enroll in the register provided by the council the names of all persons admitted to the Association by the council, also the names of all persons licensed by the council.

Record of
apprentices,
assistants,
under-
graduates,
graduates.

(6) The registrar shall keep a record of persons engaged as apprentices or assistants to professional engineers and undergraduates and graduates who make application to be recorded pursuant to section 16.

Rev. Stat.,
c. 237,
ss. 32, 33,
re-enacted.

15. Sections 32 and 33 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Reprimand,
censure,
suspension,
expulsion.

32.—(1) The council may, in its discretion, suspend or cancel the membership or license of any person who has been guilty of unprofessional conduct, or of gross negligence or incompetence or of continued breach of the by-laws of the Association, or any member or licensee convicted of a serious criminal offence by a court of competent jurisdiction, or may reprimand or censure such member or licensee.

- (2) The council shall not take any such action until after ^{Procedure.} a complaint under oath has been filed with the secretary or the registrar, and a copy forwarded to the member or licensee accused, who shall be given an opportunity of submitting evidence in his defence and the council shall not suspend or cancel a membership or license without having previously summoned the member or licensee to appear before the council, nor without having heard evidence under oath offered in support of the complaint and in behalf of the member or licensee accused.
- (3) The council shall have the same powers as commissioners under *The Public Inquiries Act* to compel ^{Powers of council.} witnesses to appear and give evidence under oath ^{Rev. Stat., c. 19.} in the manner and under penalties prescribed by such Act, and all such evidence shall be taken in writing or by a duly qualified stenographer.
- (4) Any person whose membership or license has been ^{Appeal.} suspended or cancelled may within fifteen days after the date of the order of suspension or cancellation appeal to the Court of Appeal from such order and the practice and procedure in such appeal shall be the same as upon an appeal from the judgment of the Supreme Court judge presiding at a trial, and the Court of Appeal shall have power to confirm, vary, vacate or set aside such order or to make such other order as it may deem just, and to make an order for payment of the costs of the appeal, and there shall be no further or other appeal.
- (5) Pending an appeal the member or licensee whose ^{Pending appeal.} membership or license is suspended or cancelled may continue to practise, but unless the order of suspension or cancellation is set aside he shall not practise after the appeal has been disposed of, except that in the case of a suspension, he may practise upon and after the expiry of the period of suspension.
- 32a. No action shall be brought against the council or ^{No action.} any member or officer thereof for anything done under this Act or under any by-law passed in accordance therewith.

Penalties.

33. Any person in the Province of Ontario who, not being registered as a member of the Association in the ^{When un-} Province of Ontario, or licensed by the Association, — ^{registered or} ^{unlicensed} person ^{practises.}

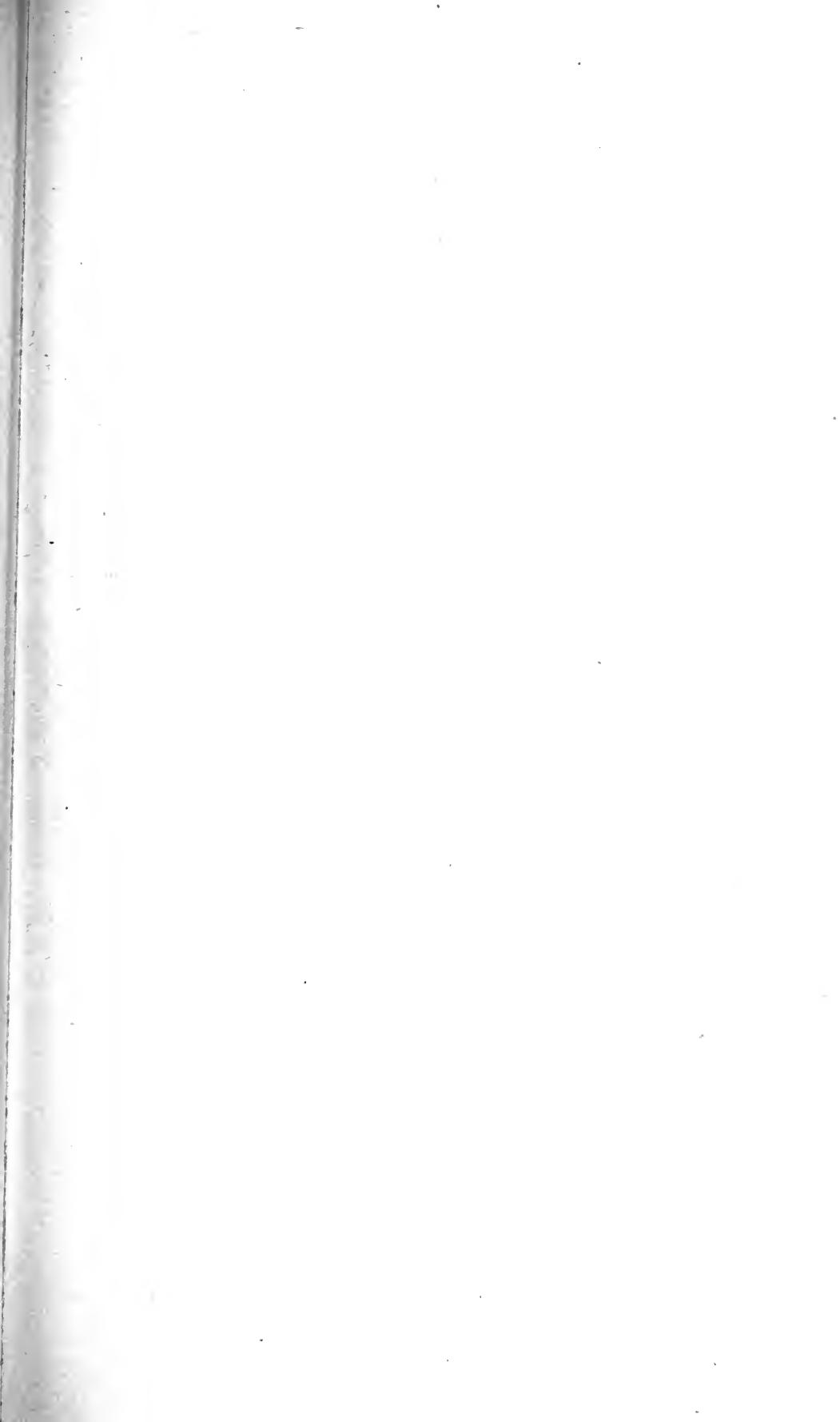
Penalty.

- (a) uses verbally or otherwise the title of professional engineer, or makes use of any addition to or abbreviation of such title, or of any words, name or designation that will lead to the belief that he is a professional engineer or a member of the Association, or except as permitted by section 2 uses the title or designation "Engineer" in such a manner as will lead to the belief that he is a professional engineer or member of the Association;
- (b) advertises or holds himself out or, except as provided by section 2, conducts himself in any way or by any means as a member of the Association or professional engineer; or
- (c) engages in the practice of professional engineering,

shall incur a penalty of not less than \$100 nor more than \$200 for the first offence, and of not less than \$200 nor more than \$500 or imprisonment for a period not exceeding three months, or both, for any subsequent offence.

Short title.

16. This Act may be cited as *The Professional Engineers Amendment Act, 1946*.



An Act to amend The Professional
Engineers Act.

1st Reading

March 18th, 1946

2nd Reading

March 29th, 1946

3rd Reading

April 5th, 1946

MR. SCOTT

No. 46

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Municipal Health Services Act, 1944.

MR. HARVEY

TORONTO
PRINTED BY T. E. BOWMAN
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EXPLANATORY NOTES

SECTION 1. The amendment eliminates the present requirement that every plan for municipal health services must be effected by having the municipal council involved make an agreement with the Ontario Municipal Health Services Board which would be the body actually responsible for supplying the medical and hospital services.

SECTION 2. Where a council makes its own arrangements for health services it shall pay therefor directly instead of through the Board.

SECTION 3. At present a plan must be submitted to the electors after it has been in force for three years. The amendment eliminates the compulsory nature of the provision but permits it to be so submitted.

BILL

An Act to amend The Municipal Health Services Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Municipal Health Services Act, 1944*, is amended by adding thereto the following section: 1944, c. 41, amended.

4a. Notwithstanding the provisions of subsections 3 and 4 of section 4, a council which has enacted a by-law under section 2 may,— Powers of councils.

(a) make such arrangements and enter into such agreements as it may deem necessary to carry out the plan provided for in the by-law; and

(b) pay such expenses as may be incurred in carrying out the plan out of the moneys raised under this Act.

2. Section 9 of *The Municipal Health Services Act, 1944*, is amended by inserting after the word "municipality" in the first line the words "which has entered into an agreement with the Board", so that the said section shall now read as follows: 1944, c. 41, s. 9, amended.

9. A municipality which has entered into an agreement with the Board shall pay to the Board an amount equal to the total levy made under section 6 or 7, or both, at such times as may be required by the regulations. Amount of taxes payable to Board.

3. Section 14 of *The Municipal Health Services Act, 1944*, is amended by striking out the words "the first" in the first line and inserting in lieu thereof the word "any", by striking out the word "shall" in the third line and inserting in lieu thereof the word "may", and by inserting after the word "and" in the fourth line the words "where so submitted", so that the said section shall now read as follows: 1944, c. 41, s. 14, amended.

Further
vote on
plan.

14. At any municipal election held after the termination of a period of three years from the date of the commencement of a plan for municipal health services, such plan may again be submitted to a vote as in section 3 provided and where so submitted shall not continue in force unless a majority of the persons voting as prescribed in section 3 are in favour thereof.

1944,
c. 41, s. 15,
subs. 3,
amended.

4. Subsection 3 of section 15 of *The Municipal Health Services Act, 1944*, is amended by striking out the word "thereupon" in the second line and inserting in lieu thereof the words "upon not less than six months notice thereof to the council the plan shall be terminated and", so that the said subsection shall now read as follows:

Termination
of plan.

- (3) The Lieutenant-Governor in Council may terminate any plan for municipal health services and upon not less than six months notice thereof to the council the plan shall be terminated and every by-law and agreement relating thereto shall be deemed to be revoked and terminated.

1944,
c. 41, s. 17,
amended.

5. Section 17 of *The Municipal Health Services Act, 1944*, is amended by adding thereto the following clause:

- (bb) providing that an agreement to be entered into between any municipality and any person for the provision of health services shall in respect of the terms of service be approved by the appropriate professional organization of which such person is a member.

Short title.

6. This Act may be cited as *The Municipal Health Services Amendment Act, 1946*.

SECTION 4. The termination of a plan by the Lieutenant-Governor in Council will not become effective for six months.

SECTION 5. The Lieutenant-Governor in Council may make regulations requiring the approval of any agreement by the appropriate professional organization.



An Act to amend The Municipal Health
Services Act, 1944.

1st Reading

March 18th, 1946

2nd Reading

3rd Reading

MR. HARVEY

No. 47

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Marriage Act.

MR. ROBERTSON

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The purpose of the Act is to require both parties to an intended marriage to have a blood test taken in order to determine the presence of syphilis and the result of the tests made with respect to each of the parties must be made known to both of them.

BILL

An Act to amend The Marriage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Marriage Act* is amended by adding thereto the following section: Rev. Stat.,
c. 207,
amended.

22a.—(1) No marriage license or certificate in lieu of marriage license shall be issued and no marriage shall be solemnized under the authority of any proclamation of intention to intermarry unless the persons intending to intermarry have produced a certificate in respect to each such person certifying,—

(a) that a specimen of blood taken from such person not more than twenty days before,

(i) the issue of the license or certificate; or

(ii) the solemnization of the marriage where the intention of the persons to marry has been published as provided by subsection 2 of section 4,

and has been submitted to a standard laboratory test for syphilis in a laboratory approved by the Minister of Health; and

(b) that the result of such test as indicated in a certificate signed or purporting to be signed by the director of such laboratory has been made known to both parties to the intended marriage.

(2) Any person who violates any of the provisions of this section shall on summary conviction be liable to a penalty of not less than \$20 and not more than \$100. Penalty.

Exception in
case of
extreme
urgency.

- (3) Notwithstanding the provisions of subsection 1 the Provincial Secretary in a case of extreme emergency where,—

(a) the approval in writing of the Minister of Health has been secured; and

(b) each of the parties to the intended marriage has submitted a statutory declaration that to the best of his knowledge and belief he is free from syphilis,

may authorize the issuance of a marriage certificate.

Rev. Stat.,
c. 207, s. 25,
amended.

2. Section 25 of *The Marriage Act* is amended by inserting after the figures "22" in the seventh line the words and figures "the certificates required by section 22a", so that the said section shall now read as follows:

Particulars
to be sent
to Registrar-
General.

25. Every issuer of marriage licenses shall, immediately upon issuing a marriage license or certificate, fill up on a form such of the particulars contained in Form 4 as he is able to give, and shall forward the same, together with the consent verified by affidavit and any other evidence obtained pursuant to the provisions of section 17 and the birth certificate or affidavit required by subsection 5 of section 22, the certificates required by section 22a, and any further evidence obtained under the provisions of section 24, forthwith to the Registrar-General.

Rev. Stat.,
c. 207, s. 34,
subs. 1,
amended.

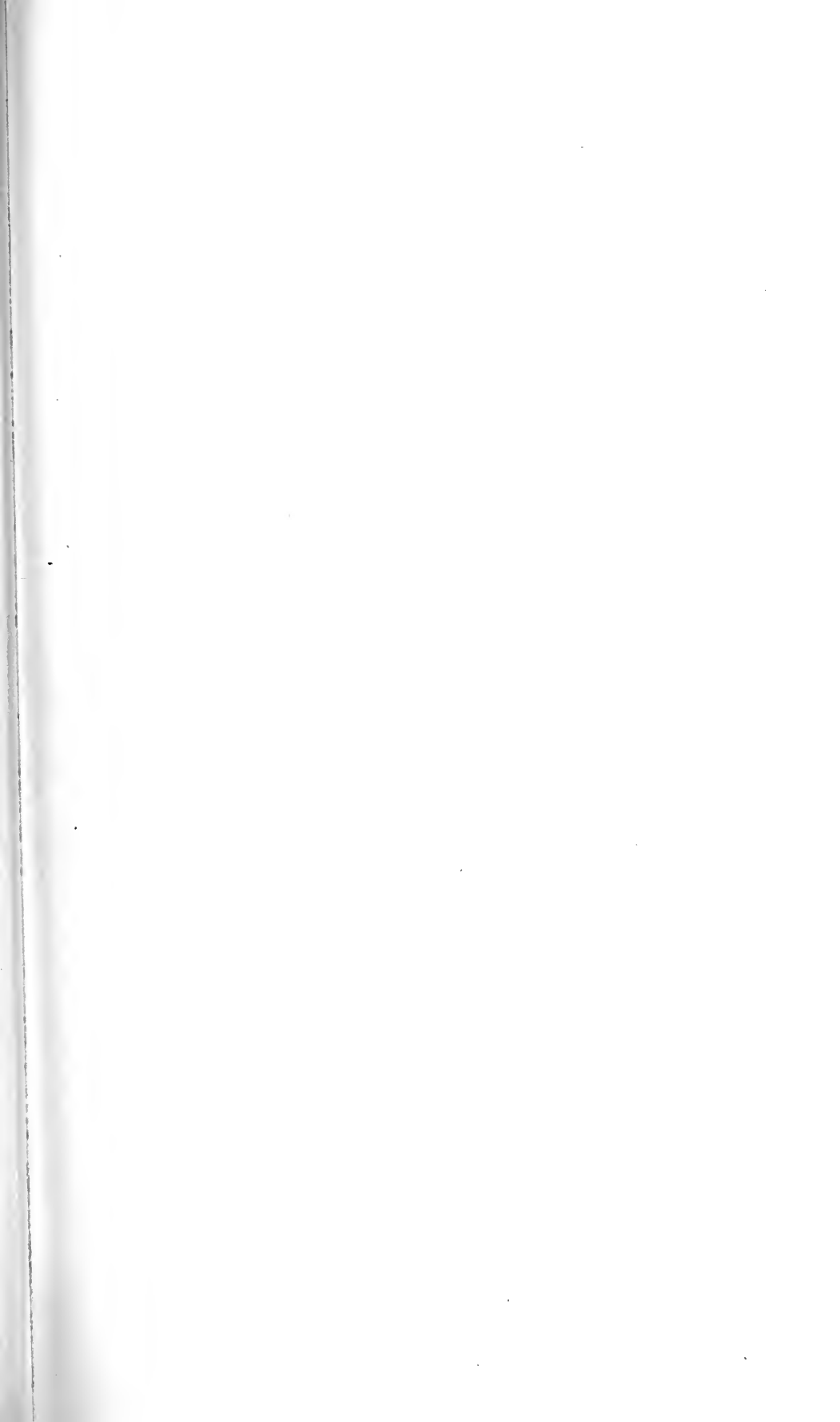
- 3.—(1) Subsection 1 of section 34 of *The Marriage Act* is amended by inserting after the word and figure "Form 4" in the fourth line the words and figures "or in any certificate required by section 22a", so that the said subsection shall now read as follows:

Penalty for
making false
statement.

- (1) Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in Form 4 or in any certificate required by section 22a, in addition to any other penalty or punishment which he may be liable to incur, shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat.,
c. 207, s. 34,
amended.

- (2) The said section 34 is further amended by adding thereto the following subsection:



(1a) Any person who impersonates any other person for the purposes of obtaining a certificate required by section 22a shall on summary conviction be liable to a penalty of not less than \$20 and not more than \$100. ^{Penalty for impersonation.}

4. This Act may be cited as *The Marriage Amendment Act*, ^{Short title.} 1946.

An Act to amend The Marriage Act.

1st Reading

March 18th, 1946

2nd Reading

3rd Reading

MR. ROBERTSON

No. 48

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

MR. ROBERTSON

EXPLANATORY NOTES

SECTION 1. The persons indicated in clauses *a*, *b* and *c* will hereafter be required to report the names and addresses of infected persons to the local medical officer of health as well as reporting all cases to the Minister of Health.

BILL

An Act to amend The Venereal Diseases Prevention Act, 1942.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 3 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding at the end thereof the words “and to report to the local medical officer of health the name and address of every case of venereal disease coming under his diagnosis, care or charge for the first time,” so that the said subsection shall now read as follows: c. 38, s. 3, subs. 1, amended.

(1) It shall be the duty of,—

Duty to report.

- (a) every physician;
- (b) every superintendent or head of a hospital, sanatorium or laboratory; and
- (c) every person in medical charge of any gaol, lock-up, reformatory, industrial farm, training school, school or college, industrial, female or other refuge, or other similar institution,

to report to the Minister every case of venereal disease coming under his diagnosis, treatment, care or charge for the first time and to report to the local medical officer of health the name and address of every case of venereal disease coming under his diagnosis, care or charge for the first time.

(2) Subsection 2 of the said section 3 is amended by inserting after the word “Minister” in the second line the words “and the local medical officer of health”, so that the said subsection shall now read as follows: 1942, c. 38, s. 3, subs. 2, amended.

- (2) The report in the prescribed form shall be completed and forwarded to the Minister and the local medical officer of health within twenty-four hours after the Duty to report within twenty-four hours.

first diagnosis, treatment or knowledge by or of such physician, head or other person.

1942, c. 38,
amended.

2. *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following section:

Examina-
tion during
pregnancy.

3a. Every physician shall examine every pregnant woman coming under his care to determine whether or not she is infected with venereal disease.

1942,
c. 38, s. 4,
amended.

3. Section 4 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following subsection:

Disclosing
source of
contact.

(7) A medical officer of health may require a person whom he believes may be infected with venereal disease to disclose, under oath, the name and address of the persons from whom the disease may have been contracted and the name and address of any person to whom the disease may have been transmitted and for the purposes of this subsection the medical officer of health may administer an oath.

1942,
c. 38, s. 6,
subs. 1,
re-enacted;
subs. 2,
repealed.

4. Subsections 1 and 2 of section 6 of *The Venereal Diseases Prevention Act, 1942*, are repealed and the following substituted therefor:

Examina-
tion by
physician
in charge of
institution.

(1) Every physician in medical charge of any gaol, lock-up, reformatory, industrial farm, training school or industrial, female or other refuge shall cause every person under his charge to undergo such examination as may be necessary to ascertain whether or not he is infected with venereal disease or to ascertain the extent of venereal disease infection and if such examination discloses that he is so infected such physician shall report the facts to the medical officer of health within twenty-four hours who may thereupon exercise the powers vested in him by section 8.

1942,
c. 38, s. 14,
amended.

5. Section 14 of *The Venereal Diseases Prevention Act, 1942*, is amended by adding thereto the following subsection:

Copy of
report to
m.o.h.

(2) Where a laboratory test made in a laboratory approved by the Minister of the blood of a person, indicates the presence of venereal disease, the director of the laboratory shall send to the local medical officer of health a copy of the report sent to the physician who submitted the blood sample for examination.

SECTION 2. Every pregnant woman must be examined for venereal disease.

SECTION 3. A person believed by a medical officer of health to be infected with venereal disease must disclose, under oath, the names and addresses of persons from whom the disease may have been contracted and to whom it may have been transmitted.

SECTION 4. Physicians in medical charge of the institutions indicated will hereafter be required to cause every person to be examined for venereal disease infection.

SECTION 5. Where a blood test made in a laboratory approved by the Minister discloses the presence of venereal disease, a copy of the report shall be sent to the local medical officer of health.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. ^{Commence-}
^{ment of Act.}

7. This Act may be cited as *The Venereal Diseases Prevention Amendment Act, 1946*. ^{Short title.}

BILL

An Act to amend The Venereal Diseases
Prevention Act, 1942.

1st Reading

March 18th, 1946

2nd Reading

3rd Reading

MR. ROBERTSON

No. 49

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

**An Act to provide Financial Protection for persons who have suffered
Substantial Impairment of Income owing to Illness or Unemploy-
ment or any other cause beyond their control.**

MR. GRUMMETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

The purpose of the Bill is to permit any person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of such person, to apply to a judge for a stay of any proceedings taken against such person arising out of any obligation incurred prior to the 1st day of April, 1946.

The application may be made in respect of any court or other proceedings of any nature including proceedings by way of distress, seizure or re-possession, or in respect of taxes.

The judge hearing the application may make such order as he deems proper for a stay of the proceedings or deferring time for payment or performance of any term in any obligation.

BILL

An Act to provide Financial Protection for persons who have suffered Substantial Impairment of Income owing to Illness or Unemployment or any other cause beyond their control.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,—

Interpre-
tation,—

- (a) “dependant” shall mean any person who is dependent upon another person for his livelihood or any substantial part thereof; and ^{“dependant”;}
- (b) “substantial impairment of income” shall mean substantial impairment of income in respect of the twelve-month period immediately preceding an application under this Act as compared with the average annual income for the five years preceding the year in which the application is made. ^{“substantial impairment of income”.}

(2) An application which under this Act may be made to a judge of a county or district court shall in the Counties of York and Carleton be made to the Master and local master of the Supreme Court respectively. ^{York and Carleton.}

2. Where any proceeding is taken in any action, matter or cause brought against a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, in any court of civil jurisdiction whether before or after judgment with respect to any obligation incurred by such person or dependant prior to the 1st day of April, 1946, an application for relief may be made by or on behalf of such person or dependant to a judge of such court. ^{Application for relief.}

3. Where any extra-judicial proceeding of any nature whether by way of distress, seizure, repossession or otherwise is taken against a person who has suffered substantial impair- ^{Extra-judicial proceedings.}

ment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, to enforce payment of an amount due in respect of any personal property or to recover possession of any such property pursuant to the provisions of a conditional sale or other agreement, either oral or in writing, entered into by such person or dependant prior to the 1st day of April, 1946, an application for relief may be made by or on behalf of such person or dependant to a judge of the county or district court of the county or district in which such person or dependant ordinarily resides.

Taxes.

Rev. Stat.,
cc. 272, 59.

4. Where any proceeding under *The Assessment Act* or *The Department of Municipal Affairs Act* or any other Act by way of action, distress, sale, registration of tax arrears certificate or otherwise for the recovery of taxes levied for municipal, school or local improvement purposes including all rates, rents and other charges imposed and collected in the same manner as taxes or for the recovery of interest, penalties or costs in respect thereof is taken against a person who has suffered substantial impairment of income owing to illness or unemployment or any other cause beyond his control, or a dependant of any such person, against property owned by any such person or dependant, an application for relief may be made by or on behalf of such person or dependant to a judge of the court in which the proceeding is taken or, where the proceeding is not in a court, to a judge of the county or district court of the county or district in which such property is situate.

**Directions
of judge.**

5.—(1) A judge to whom an application is made under this Act may give all necessary directions with regard to service of notice and other matters incidental to the application and shall have the same power of summoning any person and requiring him to give evidence on oath and to produce documents and things and of enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things as is vested in any court in civil cases.

**Interim stay
of proceed-
ings.**

(2) Upon the making of an application under this Act and the service of notice in writing thereof upon the person taking the proceedings which is the subject of the application, such proceeding shall, *ipso facto*, be stayed pending the final disposition of such application.

**Hearing of
evidence.**

6.—(1) Upon the hearing of the application the judge may hear such evidence and representations as he deems proper and may determine all questions which may arise and having regard to the position and circumstances of all the parties, any substantial impairment of income owing to illness or

unemployment or any other cause beyond his control, suffered by the applicant or the person with respect to whom the applicant is a dependant and all other relevant circumstances, may make such order as he deems proper staying such proceedings or deferring the time for making any payment or for the performance of any term, or both, either with or without determining any question of liability that may be involved, upon such terms and subject to such conditions as he may deem proper, or may dismiss the application.

(2) In any order made under this section relief may be granted for such period not exceeding one year as the judge may deem proper and a further application may be made at the termination of such period. Period of relief.

7. Any person who may be adversely affected by an order made under this Act by reason of his position as a guarantor or because of any interest which he may have in any premises or property which is the subject of the order, or by reason of any other circumstances, may apply to a judge of the court in which the order was made for relief and the provisions of sections 5, 6 and 8 shall apply *mutatis mutandis*. Relief to guarantors.

8. An application for review of any order made under section 6 or 7 may be made to a judge of the court in which the order was made by any person affected thereby and where the judge is of opinion that any of the relevant circumstances have been substantially altered he may vary such order or make such further order as he may deem proper. Review of order.

9. No costs shall be allowed and no fees payable to the Crown, whether collected by law stamps or otherwise, shall be charged or collected upon any application, order or appeal under this Act. No costs or fees.

10. The powers conferred by this Act shall be in addition to and not in derogation of any other powers of the judge. Powers to be additional.

11. In the calculation of time for the purposes of any provision of *The Limitations Act* or any like provision, the time during which relief is provided under this Act in respect of any relevant matter shall not run in favour of the person to whom such relief has been granted. Calculation of time.
Rev. Stat., c. 118.

12. This Act shall not apply,—

Application of Act.

- (a) to any proceedings by way of foreclosure, or sale under power of sale, execution of any judgment or order of any court, distress, forfeiture, judgment or order of possession, or any other judgment or order of any court or otherwise, relating to any

mortgage, contract or agreement for sale or purchase of land, or any interest therein, or any renewal or extension thereof; or

- 1944, c. 2. (b) to any proceedings or matter with respect to which an application may be made under *The Active Service Financial Protection Act, 1944*.

Municipal
tax sale not
invalidated.

13. A tax sale conducted by a municipality pursuant to the provisions of *The Assessment Act* shall not be invalidated by reason of the failure to include therein any property in respect of which an order has been made under this Act which has the effect of preventing the inclusion of such property.

Rules.

14. Subject to the approval of the Lieutenant-Governor in Council the Rules Committee may make rules,—

- (a) prescribing the particulars and the form thereof, to be furnished by an applicant for relief under any of the provisions of this Act;
- (b) regulating the practice and procedure under this Act; and
- (c) generally for the better carrying out of the provisions of this Act.

Commence-
ment of Act.

15. This Act shall come into force on the day upon which it receives the Royal Assent.

Short title.

16. This Act may be cited as *The Financial Protection Act, 1946*.

An Act to provide Financial Protection for persons who have suffered Substantial Impairment of Income owing to Illness or Unemployment or any other cause beyond their control.

1st Reading

March 19th, 1946

2nd Reading

3rd Reading

MR. GRUMMETT

No. 50

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Marine Insurance.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

Ontario has never had an Act dealing specifically with marine insurance and an appreciable amount of this type of insurance business is written in the Province. The Canadian Bar Association, through its Insurance Law Section, recommended the adoption of a uniform Marine Insurance Act in Canada and the attention of the Association of Superintendents of Insurance was directed to this matter. At their 1942 session, and again at the 1944 session, the Association of Superintendents of Insurance recommended that various Provinces enact a uniform Marine Insurance Act based on the Act in force in the United Kingdom.

The Act now proposed is the same as the Marine Insurance Act, 1906, of the United Kingdom. It has been in force in British Columbia for many years, in Nova Scotia since 1941, in New Brunswick since 1943, and in Manitoba since 1945. No change whatever has been made in the drafting of the sections.

The general scope and effect of the Imperial Statute is described in Lord Halsbury's "Laws of England", Volume 17, at page 335, as follows:

"670. The Act codifies only those principles of the law which relate exclusively to marine insurance. Thus it does not lay down rules which apply to contracts in general, such as those relating to fraud, mistake, or illegality, nor those relating to such special subjects as the duties of the master of a ship, salvage, or general average; it does not attempt to define who is to be deemed in time of war an alien enemy or a neutral, or by what acts the character of neutrality may be forfeited. All such matters are excluded, because they more properly belong to other departments of law, such as the law of contract, the law of shipping and navigation, prize law and international law; and therefore it expressly provides that 'the rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts of marine insurance'."

Explanatory notes are provided only for those sections which appear to require comment.

BILL

An Act respecting Marine Insurance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act, unless the context otherwise requires,— Expressions interpreted.

(a) "action" includes counterclaim and set-off;

(b) "freight" includes the profit derivable by a ship-owner from the employment of his ship to carry his own goods or movables, as well as freight payable by a third party, but does not include passage-money;

(c) "movables" means any movable tangible property, other than the ship, and includes money, valuable securities, and other documents;

(d) "policy" means a marine policy.

2. A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner Marine insurance defined. and to the extent thereby agreed, against marine losses, that is to say, the losses incident to marine adventure.

3.—(1) A contract of marine insurance may, by its express Mixed sea and land risks. terms or by usage of trade, be extended so as to protect the assured against losses on inland waters or on any land risk which may be incidental to any sea voyage.

(2) Where a ship in course of building, or the launch of a ship, or any adventure analogous to a marine adventure, is covered by a policy in the form of a marine policy, the provisions of this Act, in so far as applicable, shall apply thereto; but, except as by this section provided, nothing in this Act shall alter or affect any rule of law applicable to any contract

of insurance other than a contract of marine insurance as by this Act defined.

Marine
adventure
and mari-
time perils
defined.

4.—(1) Subject to the provisions of this Act, every lawful marine adventure may be the subject of a contract of marine insurance.

(2) In particular there is a marine adventure where,—

- (a) any ship, goods, or other movables are exposed to maritime perils. Such property is in this Act referred to as “insurable property”;
- (b) the earning or acquisition of any freight, passage-money, commission, profit, or other pecuniary benefit, or the security for any advances, loan, or disbursements, is endangered by the exposure of insurable property to maritime perils;
- (c) any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property by reason of maritime perils.

(3) “Maritime perils” means the perils consequent on or incidental to the navigation of the sea, that is to say, perils of the seas, fire, war perils, pirates, rovers, thieves, captures, seizures, restraints, and detainments of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or which may be designated by the policy.

Insurable Interest.

Avoidance of
wagering or
gaming
contracts.

5.—(1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract,—

- (a) where the assured has not an insurable interest as defined by this Act, and the contract is entered into with no expectation of acquiring such an interest; or
- (b) where the policy is made “interest or no interest,” or “without further proof of interest than the policy itself,” or “without benefit of salvage to the insurer,” or subject to any other like term;

Provided that where there is no possibility of salvage a policy may be effected without benefit of salvage to the insurer.

SECTION 7. The expression "lost or not lost" arises because an owner may insure a vessel or cargo while the vessel is at sea.

SECTION 10 is vital as it creates a right to re-insure.

SECTION 11. The master of a vessel has authority at common law to pledge the ship and cargo for security in case of emergency. Where the ship only is offered the bond is called "bottomry", and where the ship and cargo are both offered the bond is called "respondentia".

SECTION 13. Advance freight is prepaid freight and under British and Canadian law belongs to the ship owner, vessel lost or not lost, so that the insurable interest is in the shipper.

6.—(1) Subject to the provisions of this Act, every person ^{Insurable interest defined.} has an insurable interest who is interested in a marine adventure.

(2) In particular a person is interested in a marine adventure where he stands in any legal or equitable relation to the adventure or to any insurable property at risk therein, in consequence of which he may benefit by the safety or due arrival of insurable property, or may be prejudiced by its loss or by damage thereto or by the detention thereof, or may incur liability in respect thereof.

7.—(1) The assured must be interested in the subject-matter insured at the time of the loss though he need not be ^{When interest must attach.} interested when the insurance is effected;

Provided that where the subject-matter is insured "lost or not lost," the assured may recover although he may not have acquired his interest until after the loss, unless at the time of effecting the contract of insurance the assured was aware of the loss and the insurer was not.

(2) Where the assured has no interest at the time of the loss, he cannot acquire interest by any act or election after he is aware of the loss.

8.—(1) A defeasible interest is insurable, as also is a contingent interest. ^{Defeasible or contingent interest.}

(2) In particular, where the buyer of goods has insured them, he has an insurable interest, notwithstanding that he might, at his election, have rejected the goods, or have treated them as at the seller's risk, by reason of the latter's delay in making delivery or otherwise.

9. A partial interest of any nature is insurable. ^{Partial interest.}

10.—(1) The insurer under a contract of marine insurance has an insurable interest in his risk and may re-insure in respect of it. ^{Re-insurance.}

(2) Unless the policy otherwise provides, the original assured has no right or interest in respect of such reinsurance.

11. The lender of money on bottomry or respondentia has an insurable interest in respect of the loan. ^{Bottomry.}

12. The master or any member of the crew of a ship has an insurable interest in respect of his wages. ^{Master's and seamen's wages.}

13. In the case of advance freight, the person advancing ^{Advance freight.}

the freight has an insurable interest, in so far as such freight is not repayable in case of loss.

Charges of insurance.

14. The assured has an insurable interest in the charges of any insurance which he may effect.

Quantum of interest.

15.—(1) Where the subject-matter insured is mortgaged, the mortgagor has an insurable interest in the full value thereof, and the mortgagee has an insurable interest in respect of any sum due or to become due under the mortgage.

(2) A mortgagee, consignee, or other person having an interest in the subject-matter insured may insure on behalf and for the benefit of other persons interested as well as for his own benefit.

(3) The owner of insurable property has an insurable interest in respect of the full value thereof, notwithstanding that some third person may have agreed, or be liable, to indemnify him in case of loss.

Assignment of interest.

16. Where the assured assigns or otherwise parts with his interest in the subject-matter insured, he does not thereby transfer to the assignee his rights under the contract of insurance, unless there be an express or implied agreement with the assignee to that effect; but the provisions of this section do not affect a transmission of interest by operation of law.

Insurable Value.

Measure of insurable value.

17. Subject to any express provision or valuation in the policy, the insurable value of the subject-matter insured must be ascertained as follows:

- (a) In insurance on ship, the insurable value is the value, at the commencement of the risk, of the ship, including her outfit, provisions and stores for the officers and crew, money advanced for seamen's wages, and other disbursements, if any, incurred to make the ship fit for the voyage or adventure contemplated by the policy, plus the charges of insurance upon the whole.

The insurable value, in the case of a steamship, includes also the machinery, boilers, and coals, oils, and engine stores if owned by the assured, and, in the case of a ship engaged in a special trade, the ordinary fittings requisite for that trade;

- (b) In insurance on freight, whether paid in advance or otherwise, the insurable value is the gross amount of

SECTION 17. Frequently vessels and cargo are insured on agreed valuations, but where otherwise, this Section covers.

the freight at the risk of the assured, plus the charges of insurance;

- (c) In insurance on goods or merchandise, the insurable value is the prime cost of the property insured, plus the expenses of and incidental to shipping and the charges of insurance upon the whole;
- (d) In insurance on any other subject-matter, the insurable value is the amount at the risk of the assured when the policy attaches, plus the charges of insurance.

Disclosure and Representations.

18. A contract of marine insurance is a contract based upon the utmost good faith, and if the utmost good faith be not observed by either party the contract may be avoided by the other party. Insurance is
uberrimæ
fidei.

19.—(1) Subject to the provisions of this section, the assured must disclose to the insurer before the contract is concluded every material circumstance which is known to the assured, and the assured is deemed to know every circumstance which in the ordinary course of business ought to be known by him. If the assured fails to make such disclosure the insurer may avoid the contract. Disclosure
by assured.

(2) Every circumstance is material which would influence the judgment of a prudent insurer in fixing the premium or determining whether he will take the risk.

(3) In the absence of inquiry the following circumstances need not be disclosed, namely,—

- (a) any circumstance which diminishes the risk;
 - (b) any circumstance which is known or presumed to be known to the insurer. The insurer is presumed to know matters of common notoriety or knowledge and matters which an insurer in the ordinary course of his business, as such, ought to know;
 - (c) any circumstance as to which information is waived by the insurer;
 - (d) any circumstance which it is superfluous to disclose by reason of any express or implied warranty.
- (4) Whether any particular circumstance which is not disclosed be material or not is in each case a question of fact.

(5) The term "circumstance" includes any communication made to or information received by the assured.

Disclosure
by agent
effecting
insurance.

20. Subject to the provisions of the preceding section as to circumstances which need not be disclosed, where an insurance is effected for the assured by an agent, the agent must disclose to the insurer,—

- (a) every material circumstance which is known to himself, and an agent to insure is deemed to know every circumstance which in the ordinary course of business ought to be known by or to have been communicated to him; and
- (b) every material circumstance which the assured is bound to disclose, unless it come to his knowledge too late to communicate it to the agent.

Representa-
tions
pending
negotiation
of contract.

21.—(1) Every material representation made by the assured or his agent to the insurer during the negotiations for the contract, and before the contract is concluded, must be true. If it be untrue the insurer may avoid the contract.

(2) A representation is material which would influence the judgment of a prudent insurer in fixing the premium or determining whether he will take the risk.

(3) A representation may be either a representation as to a matter of fact or as to a matter of expectation or belief.

(4) A representation as to a matter of fact is true if it be substantially correct, that is to say, if the difference between what is represented and what is actually correct would not be considered material by a prudent insurer.

(5) A representation as to a matter of expectation or belief is true if it be made in good faith.

(6) A representation may be withdrawn or corrected before the contract is concluded.

(7) Whether a particular representation be material or not is in each case a question of fact.

When con-
tract is
deemed to
be con-
cluded.

22. A contract of marine insurance is deemed to be concluded when the proposal of the assured is accepted by the insurer, whether the policy be then issued or not; and for the purpose of showing when the proposal was accepted, reference may be made to the slip or covering note or other customary memorandum of the contract.

The Policy

23. A contract of marine insurance is inadmissible in evidence unless it is embodied in a marine policy in accordance with this Act. The policy may be executed and issued either at the time when the contract is concluded or afterwards.

Contract must be embodied in policy.

24. A marine policy must specify,—

What policy must specify.

- (a) the name of the assured or of some person who effects the insurance on his behalf;
- (b) the subject-matter insured and the risk insured against;
- (c) the voyage or period of time, or both, as the case may be, covered by the insurance;
- (d) the sum or sums insured;
- (e) the name or names of the insurers.

25.—(1) A marine policy must be signed by or on behalf of the insurer, provided that in the case of a corporation the corporate seal may be sufficient, but nothing in this section shall be construed as requiring the subscription of a corporation to be under seal.

Signature of insurer.

(2) Where a policy is subscribed by or on behalf of two or more insurers, each subscription, unless the contrary be expressed, constitutes a distinct contract with the assured.

26. Where the contract is to insure the subject-matter at and from, or from one place to another or others, the policy is called a "voyage policy," and where the contract is to insure the subject-matter for a definite period of time the policy is called a "time policy." A contract for both voyage and time may be included in the same policy.

Voyage and time policies.

27.—(1) The subject-matter insured must be designated in a marine policy with reasonable certainty.

Designation of subject-matter.

(2) The nature and extent of the interest of the assured in the subject-matter insured need not be specified in the policy.

(3) Where the policy designates the subject-matter insured in general terms, it shall be construed to apply to the interest intended by the assured to be covered.

(4) In the application of this section regard shall be had to any usage regulating the designation of the subject-matter insured.

Valued
policy.

28.—(1) A policy may be either valued or unvalued.

(2) A valued policy is a policy which specifies the agreed value of the subject-matter insured.

(3) Subject to the provisions of this Act, and in the absence of fraud, the value fixed by the policy is, as between the insurer and assured, conclusive of the insurable value of the subject intended to be insured, whether the loss be total or partial.

(4) Unless the policy otherwise provides, the value fixed by the policy is not conclusive for the purpose of determining whether there has been a constructive total loss.

Unvalued
policy.

29. An unvalued policy is a policy which does not specify the value of the subject-matter insured, but, subject to the limit of the sum insured, leaves the insurable value to be subsequently ascertained in the manner hereinbefore specified.

Floating
policy by
ship or
ships.

30.—(1) A floating policy is a policy which describes the insurance in general terms and leaves the name of the ship or ships and other particulars to be defined by subsequent declaration.

(2) The subsequent declaration or declarations may be made by endorsement on the policy or in other customary manner.

(3) Unless the policy otherwise provides, the declarations must be made in the order of dispatch or shipment. They must, in the case of goods, comprise all consignments within the terms of the policy, and the value of the goods or other property must be honestly stated, but an omission or erroneous declaration may be rectified even after loss or arrival, provided the omission or declaration was made in good faith.

(4) Unless the policy otherwise provides, where a declaration of value is not made until after notice of loss or arrival, the policy must be treated as an unvalued policy as regards the subject-matter of that declaration.

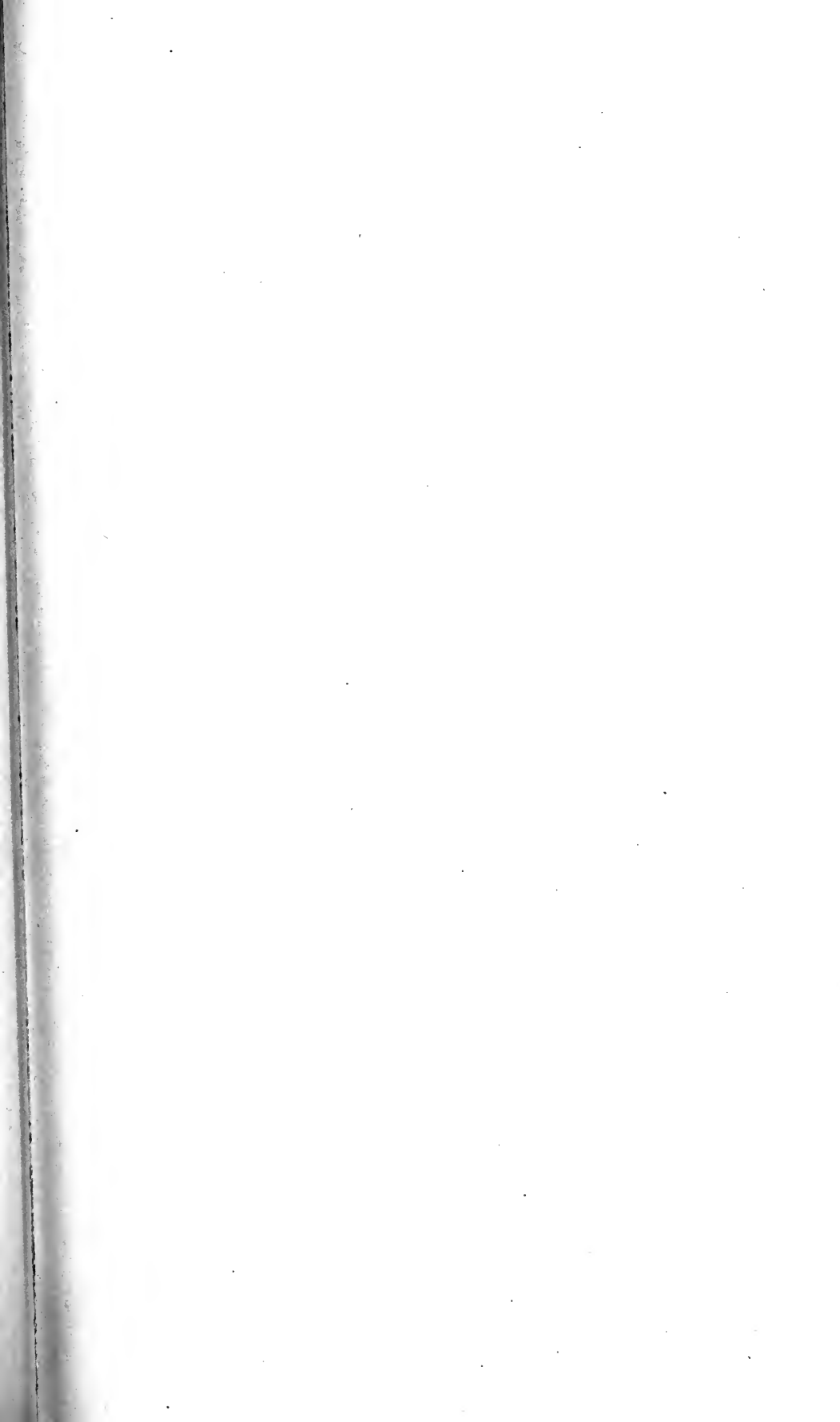
Construc-
tion of terms
in policy.

31.—(1) A policy may be in the form in the Schedule.

(2) Subject to the provisions of this Act, and unless the context of the policy otherwise requires, the terms and expressions mentioned in the Schedule shall be construed as having the scope and meaning in the Schedule assigned to them.

Premium to
be arranged

32.—(1) Where an insurance is effected at a premium to



SECTION 33 deals with cases where double insurance has been effected.

be arranged, and no arrangement is made, a reasonable premium is payable.

(2) Where an insurance is effected on the terms that an additional premium is to be arranged in a given event, and that event happens but no arrangement is made, then a reasonable additional premium is payable.

Double Insurance

33.—(1) Where two or more policies are effected by or on behalf of the assured on the same adventure and interest or any part thereof, and the sums insured exceed the indemnity allowed by this Act, the assured is said to be over-insured by double insurance. ^{Double insurance.}

(2) Where the assured is over-insured by double insurance,—

- (a) the assured, unless the policy otherwise provides, may claim payment from the insurers in such order as he may think fit, provided that he is not entitled to receive any sum in excess of the indemnity allowed by this Act;
- (b) where the policy under which the assured claims is a valued policy, the assured must give credit as against the valuation for any sum received by him under any other policy without regard to the actual value of the subject-matter insured;
- (c) where the policy under which the assured claims is an unvalued policy, he must give credit, as against the full insurable value, for any sum received by him under any other policy;
- (d) where the assured receives any sum in excess of the indemnity allowed by this Act, he is deemed to hold such sum in trust for the insurers, according to their right of contribution among themselves.

Warranties, etc.

34.—(1) A warranty, in the following sections relating to warranties, means a promissory warranty, that is to say, a warranty by which the assured undertakes that some particular thing shall or shall not be done, or that some condition shall be fulfilled, or whereby he affirms or negatives the existence of a particular state of facts. ^{Nature of warranty.}

(2) A warranty may be express or implied.

(3) A warranty, as above defined, is a condition which must be exactly complied with, whether it be material to the risk or not. If it be not so complied with, then, subject to any express provision in the policy, the insurer is discharged from liability as from the date of the breach of warranty, but without prejudice to any liability incurred by him before that date.

When breach
of warranty
excused.

35.—(1) Non-compliance with a warranty is excused when, by reason of a change of circumstances, the warranty ceases to be applicable to the circumstances of the contract, or when compliance with the warranty is rendered unlawful by any subsequent law.

(2) Where a warranty is broken, the assured cannot avail himself of the defence that the breach has been remedied and the warranty complied with before loss.

(3) A breach of warranty may be waived by the insurer.

Express
warranties.

36.—(1) An express warranty may be in any form of words from which the intention to warrant is to be inferred.

(2) An express warranty must be included in or written upon the policy, or must be contained in some document incorporated by reference into the policy.

(3) An express warranty does not exclude an implied warranty, unless it be inconsistent therewith.

Warranty of
neutrality.

37.—(1) Where insurable property, whether ship or goods, is expressly warranted "neutral," there is an implied condition that the property shall have a neutral character at the commencement of the risk, and that, so far as the assured can control the matter, its neutral character shall be preserved during the risk.

(2) Where a ship is expressly warranted "neutral," there is also an implied condition that, so far as the assured can control the matter, she shall be properly documented, that is to say, that she shall carry the necessary papers to establish her neutrality, and that she shall not falsify or suppress her papers or use simulated papers. If any loss occurs through breach of this condition, the insurer may avoid the contract.

No implied
warranty of
nationality.

38. There is no implied warranty as to the nationality of a ship or that her nationality shall not be changed during the risk.

Warranty of
good safety.

39. Where the subject-matter insured is warranted "well" or "in good safety" on a particular day, it is sufficient if it be safe at any time during that day.

40.—(1) In the voyage policy there is an implied warranty that at the commencement of the voyage the ship shall be seaworthy for the purpose of the particular adventure insured. Warranty of seaworthiness of ship.

(2) Where the policy attaches while the ship is in port, there is also an implied warranty that she shall at the commencement of the risk be reasonably fit to encounter the ordinary perils of the port.

(3) Where the policy relates to a voyage which is performed in different stages, during which the ship requires different kinds of or further preparation or equipment, there is an implied warranty that at the commencement of each stage the ship is seaworthy in respect of such preparation or equipment for the purposes of that stage.

(4) A ship is deemed to be seaworthy when she is reasonably fit in all respects to encounter the ordinary perils of the seas of the adventure insured.

(5) In a time policy there is no implied warranty that the ship shall be seaworthy at any stage of the adventure, but where, with the privity of the assured, the ship is sent to sea in an unseaworthy state, the insurer is not liable for any loss attributable to unseaworthiness.

41.—(1) In a policy on goods or other movables there is no implied warranty that the goods or movables are seaworthy. No implied warranty that goods are seaworthy.

(2) In a voyage policy on goods or other movables there is an implied warranty that at the commencement of the voyage the ship is not only seaworthy as a ship, but also that she is reasonably fit to carry the goods or other movables to the destination contemplated by the policy.

42. There is an implied warranty that the adventure insured is a lawful one, and that, so far as the assured can control the matter, the adventure shall be carried out in a lawful manner. Warranty of legality.

The Voyage

43.—(1) Where the subject-matter is insured by a voyage policy "at and from" or "from" a particular place, it is not necessary that the ship should be at that place when the contract is concluded, but there is an implied condition that the adventure shall be commenced within a reasonable time, and that if the adventure be not so commenced the insurer may avoid the contract. Implied condition as to commencement of risk.

(2) The implied condition may be negatived by showing that the delay was caused by circumstances known to the insurer before the contract was concluded, or by showing that he waived the condition.

Alteration of
port of
departure.

44. Where the place of departure is specified by the policy, and the ship, instead of sailing from that place, sails from any other place, the risk does not attach.

Sailing for
different
destination.

45. Where the destination is specified in the policy, and the ship, instead of sailing for that destination, sails for any other destination, the risk does not attach.

Change of
voyage.

46.—(1) Where, after the commencement of the risk, the destination of the ship is voluntarily changed from the destination contemplated by the policy, there is said to be a change of voyage.

(2) Unless the policy otherwise provides, where there is a change of voyage, the insurer is discharged from liability as from the time of change, that is to say, as from the time when the determination to change it is manifested; and it is immaterial that the ship may not in fact have left the course of voyage contemplated by the policy when the loss occurs.

Deviation.

47.—(1) Where a ship, without lawful excuse, deviates from the voyage contemplated by the policy, the insurer is discharged from liability as from the time of deviation, and it is immaterial that the ship may have regained her route before any loss occurs.

(2) There is a deviation from the voyage contemplated by the policy,—

- (a) where the course of the voyage is specially designated by the policy and that course is departed from; or
- (b) where the course of the voyage is not specifically designated by the policy, but the usual and customary course is departed from.

(3) The intention to deviate is immaterial; there must be a deviation in fact to discharge the insurer from his liability under the contract.

Several ports
of discharge.

48.—(1) Where several ports of discharge are specified by the policy, the ship may proceed to all or any of them, but, in the absence of any usage or sufficient cause to the contrary, she must proceed to them, or such of them as she goes to, in the order designated by the policy. If she does not there is a deviation.

(2) Where the policy is to "ports of discharge," within a given area, which are not named, the ship must, in the absence of any usage or sufficient cause to the contrary, proceed to them, or such of them as she goes to, in their geographical order. If she does not there is a deviation.

49. In the case of a voyage policy, the adventure insured must be prosecuted throughout its course with reasonable dispatch, and, if without lawful excuse it is not so prosecuted, the insurer is discharged from liability as from the time when the delay became unreasonable. Delay in voyage.

50.—(1) Deviation or delay in prosecuting the voyage contemplated by the policy is excused,— Excuses for deviation or delay.

- (a) where authorized by any special term in the policy; or
- (b) where caused by circumstances beyond the control of the master and his employer; or
- (c) where reasonably necessary in order to comply with an express or implied warranty; or
- (d) where reasonably necessary for the safety of the ship or subject-matter insured; or
- (e) for the purpose of saving human life, or aiding a ship in distress where human life may be in danger; or
- (f) where reasonably necessary for the purpose of obtaining medical or surgical aid for any person on board the ship; or
- (g) where caused by the barratrous conduct of the master or crew, if barratry be one of the perils insured against.

(2) When the cause excusing the deviation or delay ceases to operate, the ship must resume her course and prosecute her voyage with reasonable dispatch.

Assignment of Policy

51.—(1) A marine policy is assignable unless it contains terms expressly prohibiting assignment. It may be assigned either before or after loss. When and how policy is assignable.

(2) Where a marine policy has been assigned so as to pass the beneficial interest in such policy, the assignee of the policy is entitled to sue thereon in his own name; and the defendant is entitled to make any defence arising out of the contract which he would have been entitled to make if the action had been brought in the name of the person by or on behalf of whom the policy was effected.

(3) A marine policy may be assigned by endorsement thereon or in other customary manner.

Assured who has no interest cannot assign.

52. Where the assured has parted with or lost his interest in the subject-matter insured, and has not, before or at the time of so doing, expressly or impliedly agreed to assign the policy, any subsequent assignment of the policy is inoperative;

Provided that nothing in this section affects the assignment of a policy after loss.

The Premium

When premium payable.

53. Unless otherwise agreed, the duty of the assured or his agent to pay the premium, and the duty of the insurer to issue the policy to the assured or his agent, are concurrent conditions, and the insurer is not bound to issue the policy until payment or tender of the premium.

Policy effected through broker.

54.—(1) Unless otherwise agreed, where a marine policy is effected on behalf of the assured by a broker, the broker is directly responsible to the insurer for the premium, and the insurer is directly responsible to the assured for the amount which may be payable in respect of losses or in respect of returnable premium.

(2) Unless otherwise agreed, the broker has, as against the assured, a lien upon the policy for the amount of the premium and his charges in respect of effecting the policy; and, where he has dealt with the person who employs him as a principal, he has also a lien on the policy in respect of any balance on any insurance account which may be due to him from such person, unless when the debt was incurred he had reason to believe that such person was only an agent.

Effect of receipt on policy.

55. Where a marine policy effected on behalf of the assured by a broker acknowledges the receipt of the premium, such acknowledgment is, in the absence of fraud, conclusive as between the insurer and the assured, but not as between the insurer and broker.

Loss and Abandonment

Included and excluded losses.

56.—(1) Subject to the provisions of this Act, and unless the policy otherwise provides, the insurer is liable for any loss proximately caused by a peril insured against, but, subject as aforesaid, he is not liable for any loss which is not proximately caused by a peril insured against.

(2) In particular,—

- (a) The insurer is not liable for any loss attributable to the wilful misconduct of the assured, but, unless the policy otherwise provides, he is liable for any loss proximately caused by a peril insured against, even

SECTIONS 53, 54 and 55 deal with premium and it is important to note that where a policy has been effected through a broker the assured is liable directly to the broker for the premium, the broker is directly responsible to the insurer for the premium and the insurer is directly responsible to the assured for loss or returnable premium. It will be noted also that the broker maintains a lien on the policy. See *O'Keefe and Lynch of Canada Limited vs. Toronto Insurance* (1926) 59 O.L.R. 235, where it was held that Ontario law must look to the British common law as of 1792, and failing proof, the foregoing rule would not apply.

SECTION 56 is self-explanatory but is a vitally important Section.

SECTIONS 57, 58, 59, 60 and 61. It will be noted that there is an actual total loss when the subject matter insured ceases to be a thing of the kind insured or where the assured is irretrievably deprived thereof, while a constructive total loss is one where the cost of restoring the subject matter to its insured condition would exceed its insured value. These Sections are vitally important.

though the loss would not have happened but for the misconduct or negligence of the master or crew;

- (b) Unless the policy otherwise provides, the insurer on ship or goods is not liable for any loss proximately caused by delay, although the delay be caused by a peril insured against;
- (c) Unless the policy otherwise provides, the insurer is not liable for ordinary wear and tear, ordinary leakage and breakage, inherent vice or nature of the subject-matter insured, or for any loss proximately caused by rats or vermin, or for any injury to machinery not proximately caused by maritime perils.

57.—(1) A loss may be either total or partial. Any loss ^{Partial and total loss.} other than a total loss, as hereinafter defined, is a partial loss.

(2) A total loss may be either an actual total loss or a constructive total loss.

(3) Unless a different intention appears from the terms of the policy, an insurance against total loss includes a constructive as well as an actual total loss.

(4) Where the assured brings an action for a total loss and the evidence proves only a partial loss, he may, unless the policy otherwise provides, recover for a partial loss.

(5) Where goods reach their destination in specie, but by reason of obliteration of marks, or otherwise, they are incapable of identification, the loss, if any, is partial and not total.

58.—(1) Where the subject-matter insured is destroyed, ^{Actual total loss.} or so damaged as to cease to be a thing of the kind insured, or where the assured is irretrievably deprived thereof, there is an actual total loss.

(2) In the case of an actual total loss no notice of abandonment need be given.

59. Where the ship concerned in the adventure is missing, ^{Missing ship.} and after the lapse of a reasonable time no news of her has been received, an actual total loss may be presumed.

60. Where, by a peril insured against, the voyage is interrupted at an intermediate port or place under such circumstances as, apart from any special stipulation in the contract of affreightment, to justify the master in landing and reshipping the goods or other movables, or in transhipping them, and sending them on to their destination, the liability of the ^{Effect of transshipment, etc.}

insurer continues, notwithstanding the landing or transshipment.

Constructive
total loss
defined.

61.—(1) Subject to any express provision in the policy, there is a constructive total loss where the subject-matter insured is reasonably abandoned on account of its actual total loss appearing to be unavoidable, or because it could not be preserved from actual total loss without an expenditure which would exceed its value when the expenditure had been incurred.

(2) In particular, there is a constructive total loss,—

- (a) where the assured is deprived of the possession of his ship or goods by a peril insured against, and
 - (i) it is unlikely that he can recover the ship or goods, as the case may be, or
 - (ii) the cost of recovering the ship or goods, as the case may be, would exceed their value when recovered; or
- (b) in the case of damage to a ship, where she is so damaged by a peril insured against that the cost of repairing the damage would exceed the value of the ship when repaired.

In estimating the cost of repairs, no deduction is to be made in respect of general average contributions to those repairs payable by other interests, but account is to be taken of the expense of future salvage operations and of any future general average contributions to which the ship would be liable if repaired; or

- (c) in the case of damage to goods, where the cost of repairing the damage and forwarding the goods to their destination would exceed their value on arrival.

Effect of
constructive
total loss.

62. Where there is a constructive total loss, the assured may either treat the loss as a partial loss or abandon the subject-matter insured to the insurer and treat the loss as if it were an actual total loss.

Notice of
abandon-
ment.

63.—(1) Subject to the provisions of this section, where the assured elects to abandon the subject-matter insured to the insurer, he must give notice of abandonment. If he fails to do so the loss can only be treated as a partial loss.

(2) Notice of abandonment may be given in writing or by word of mouth, or partly in writing and partly by word of

SECTIONS 62 and 63 are extremely important particularly where it is provided that where notice of abandonment is accepted the abandonment is irrevocable. This is apparently a change from the common law, but it was designed to bring British law into line with that of the United States. This is particularly desirable as in a great many cases the same risk will be covered by policies by both British and United States companies.

SECTIONS 65, 66 and 67. A general average loss is one where there is an extraordinary and voluntary sacrifice or expenditure of one interest involved in the joint adventure in time of peril for the joint benefit of all. In such a case all the interests are valued and the owner of the goods so sacrificed has the loss made good to him in general average. A particular average loss is one where the particular interest damaged must bear its own loss. For example, if the vessel is carrying deck load and part of it is washed overboard in a storm the owner of the goods lost must bear the loss himself, as that was one of the necessary risks. On the other hand, if the master voluntarily decides to throw deck cargo overboard for the safety of the whole adventure, then the owner of the goods so sacrificed is recouped in general average. Similarly if there is a fire in the cargo hold the owner of the goods damaged by fire must bear his own loss as that is particular average, but goods damaged by water put into the hold to extinguish fire come within general average. Similarly, if a vessel strands, the physical damage she has suffered thereby is particular average and must be borne by the ship, but the cost of releasing her from peril and taking her to a place of safety together with her cargo is general average.

Salvage means the rescue in peril of property involved in maritime adventure.

General average adjustments are made in accordance with the law of the place of destination and at the present time there are practically no Ontario cases dealing with general average, and although these are matters of almost daily occurrence, the law applicable is the common law of England as introduced into Ontario in 1792.

It is most desirable that these Sections become the law of this Province as they clearly express the common law of England, and it is almost impossible to find the necessary authorities to establish the common law of England which was applied in Ontario in 1792.

mouth, and may be given in any terms which indicate the intention of the assured to abandon his insured interest in the subject-matter insured unconditionally to the insurer.

(3) Notice of abandonment must be given with reasonable diligence after the receipt of reliable information of the loss, but where the information is of a doubtful character the assured is entitled to a reasonable time to make inquiry.

(4) Where notice of abandonment is properly given, the rights of the assured are not prejudiced by the fact that the insurer refuses to accept the abandonment.

(5) The acceptance of an abandonment may be either express or implied from the conduct of the insurer. The mere silence of the insurer after notice is not an acceptance.

(6) Where notice of abandonment is accepted the abandonment is irrevocable. The acceptance of the notice conclusively admits liability for the loss and the sufficiency of the notice.

(7) Notice of abandonment is unnecessary where, at the time when the assured receives information of the loss, there would be no possibility of benefit to the insurer if notice were given to him.

(8) Notice of abandonment may be waived by the insurer.

(9) Where an insurer has re-insured his risk, no notice of abandonment need be given by him.

64.—(1) Where there is a valid abandonment, the insurer is entitled to take over the interest of the assured in whatever may remain of the subject-matter insured and all proprietary rights incidental thereto. Effect of abandonment.

(2) Upon the abandonment of a ship, the insurer thereof is entitled to any freight in course of being earned, and which is earned by her subsequent to the casualty causing the loss, less the expenses of earning it incurred after the casualty; and, where the ship is carrying the owner's goods, the insurer is entitled to a reasonable remuneration for the carriage of them subsequent to the casualty causing the loss.

Partial Losses (including Salvage and General Average and Particular Charges).

65.—(1) A particular average loss is a partial loss of the subject-matter insured, caused by a peril insured against, and which is not a general average loss. Particular average loss.

(2) Expenses incurred by or on behalf of the assured for the safety or preservation of the subject-matter insured, other than general average and salvage charges, are called particular charges. Particular charges are not included in particular average.

Salvage charges.

66.—(1) Subject to any express provision in the policy, salvage charges incurred in preventing a loss by perils insured against may be recovered as a loss by those perils.

(2) "Salvage charges" means the charges recoverable under maritime law by a salvor independently of contract. They do not include the expenses of services in the nature of salvage rendered by the assured or his agents, or any person employed for hire by them, for the purpose of averting a peril insured against. Such expenses, where properly incurred, may be recovered as particular charges or as a general average loss, according to the circumstances under which they were incurred.

General average loss.

67.—(1) A general average loss is a loss caused by or directly consequential on a general average act. It includes a general average expenditure as well as a general average sacrifice.

(2) There is a general average act where any extraordinary sacrifice or expenditure is voluntarily and reasonably made or incurred in time of peril for the purpose of preserving the property imperilled in the common adventure.

(3) Where there is a general average loss, the party on whom it falls is entitled, subject to the conditions imposed by maritime law, to a rateable contribution from the other parties interested, and such contribution is called a general average contribution.

(4) Subject to any express provision in the policy, where the assured has incurred a general average expenditure, he may recover from the insurer in respect of the proportion of the loss which falls upon him; and, in the case of a general average sacrifice, he may recover from the insurer in respect of the whole loss without having enforced his right of contribution from the other parties liable to contribute.

(5) Subject to any express provision in the policy, where the assured has paid, or is liable to pay, a general average contribution in respect of the subject insured, he may recover therefor from the insurer.

(6) In the absence of express stipulation, the insurer is not liable for any general average loss or contribution where the loss was not incurred for the purpose of avoiding, or in connection with the avoidance of, a peril insured against.

(7) Where ship, freight, and cargo, or any two of those interests, are owned by the same assured, the liability of the insurer in respect of general average losses or contributions is to be determined as if those subjects were owned by different persons.

Measure of Indemnity.

68.—(1) The sum which the assured can recover in respect of a loss on a policy by which he is insured, in the case of an unvalued policy to the full extent of the insurable value, or in the case of a valued policy to the full extent of the value fixed by the policy, is called the measure of indemnity. Extent of liability of insurer for loss.

(2) Where there is a loss recoverable under the policy, the insurer, or each insurer if there be more than one, is liable for such proportion of the measure of indemnity as the amount of his subscription bears to the value fixed by the policy in the case of a valued policy, or to the insurable value in the case of an unvalued policy.

69. Subject to the provisions of this Act and to any express provision in the policy, where there is a total loss of the subject-matter insured,— Total loss.

- (a) if the policy be a valued policy, the measure of indemnity is the sum fixed by the policy;
- (b) if the policy be an unvalued policy, the measure of indemnity is the insurable value of the subject-matter insured.

70. Where a ship is damaged, but is not totally lost, the measure of indemnity, subject to any express provision in the policy, is as follows: Partial loss of ship.

- (1) Where the ship has been repaired, the assured is entitled to the reasonable cost of the repairs, less the customary deductions, but not exceeding the sum insured in respect of any one casualty;
- (2) Where the ship has been only partially repaired, the assured is entitled to the reasonable cost of such repairs, computed as above, and also to be indemnified for the reasonable depreciation, if any, arising from the unrepaired damage, provided that the aggregate amount shall not exceed the cost of repairing the whole damage, computed as above;
- (3) Where the ship has not been repaired and has not been sold in her damaged state during the risk, the

assured is entitled to be indemnified for the reasonable depreciation arising from the unrepaired damage, but not exceeding the reasonable cost of repairing such damage, computed as above.

Partial loss
of freight.

71. Subject to any express provision in the policy, where there is a partial loss of freight, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the proportion of freight lost by the assured bears to the whole freight at the risk of the assured under the policy.

Partial loss
of goods,
merchandise,
etc.

72. Where there is a partial loss of goods, merchandise, or other movables, the measure of indemnity, subject to any express provision in the policy, is as follows:

- (1) Where part of the goods, merchandise, or other movables insured by a valued policy is totally lost, the measure of indemnity is such proportion of the sum fixed by the policy as the insurable value of the part lost bears to the insurable value of the whole, ascertained as in the case of an unvalued policy;
- (2) Where part of the goods, merchandise, or other movables insured by an unvalued policy is totally lost, the measure of indemnity is the insurable value of the part lost, ascertained as in case of total loss;
- (3) Where the whole or any part of the goods or merchandise insured has been delivered damaged at its destination, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the difference between the gross sound and damaged values at the place of arrival bears to the gross sound value;
- (4) "Gross value" means the wholesale price or, if there be no such price, the estimated value, with, in either case, freight, landing charges, and duty paid beforehand; provided that, in the case of goods or merchandise customarily sold in bond, the bonded price is deemed to be the gross value. "Gross proceeds" means the actual price obtained at a sale where all charges on sale are paid by the sellers.

Apportion-
ment of
valuation.

73.—(1) Where different species of property are insured under a single valuation, the valuation must be apportioned over the different species in proportion to their respective insurable values, as in the case of an unvalued policy. The

insured value of any part of a species is such proportion of the total insured value of the same as the insurable value of the part bears to the insurable value of the whole, ascertained in both cases as provided by this Act.

(2) Where a valuation has to be apportioned and particulars of the prime cost of each separate species, quality, or description of goods cannot be ascertained, the division of the valuation may be made over the net arrived sound values of the different species, qualities, or descriptions of goods

74.—(1) Subject to any express provision in the policy, where the assured has paid, or is liable for, any general average contribution, the measure of indemnity is the full amount of such contribution, if the subject-matter liable to contribution is insured for its full contributory value; but, if such subject-matter be not insured for its full contributory value, or if only part of it be insured, the indemnity payable by the insurer must be reduced in proportion to the under-insurance, and where there has been a particular average loss which constitutes a deduction from the contributory value, and for which the insurer is liable, that amount must be deducted from the insured value in order to ascertain what the insurer is liable to contribute. General average contributions and salvage charges.

(2) Where the insurer is liable for salvage charges the extent of his liability must be determined on the like principle.

75. Where the assured has effected an insurance in express terms against any liability to a third party, the measure of indemnity, subject to any express provision in the policy, is the amount paid or payable by him to such third party in respect of such liability. Liabilities to third parties.

76.—(1) Where there has been a loss in respect of any subject-matter not expressly provided for in the foregoing provisions of this Act, the measure of indemnity shall be ascertained, as nearly as may be, in accordance with those provisions, in so far as applicable to the particular case. General provisions as to measure of indemnity.

(2) Nothing in the provisions of this Act relating to the measure of indemnity shall affect the rules relating to double insurance, or prohibit the insurer from disproving interest wholly or in part, or from showing that at the time of the loss the whole or any part of the subject-matter insured was not at risk under the policy.

77.—(1) Where the subject-matter insured is warranted free from particular average, the assured cannot recover for a loss of part, other than a loss incurred by a general average sacrifice, unless the contract contained in the policy may be Particular average warranties.

apportionable; but, if the contract be apportionable, the assured may recover for a total loss of any apportionable part.

(2) Where the subject-matter insured is warranted free from particular average, either wholly or under a certain percentage, the insurer is nevertheless liable for salvage charges, and for particular charges and other expenses properly incurred pursuant to the provisions of the suing and labouring clause in order to avert a loss insured against.

(3) Unless the policy otherwise provides, where the subject-matter insured is warranted free from particular average under a specified percentage, a general average loss cannot be added to a particular average loss to make up the specified percentage.

(4) For the purpose of ascertaining whether the specified percentage has been reached, regard shall be had only to the actual loss suffered by the subject-matter insured. Particular charges and the expenses of and incidental to ascertaining and proving the loss must be excluded.

Successive
losses.

78.—(1) Unless the policy otherwise provides and subject to the provisions of this Act, the insurer is liable for successive losses, even though the total amount of such losses may exceed the sum insured.

(2) Where, under the same policy, a partial loss which has not been repaired or otherwise made good is followed by a total loss, the assured can only recover in respect of the total loss;

Provided that nothing in this section shall affect the liability of the insurer under the suing and labouring clause.

Suing and
labouring
clause.

79.—(1) Where the policy contains a suing and labouring clause, the engagement thereby entered into is deemed to be supplementary to the contract of insurance, and the assured may recover from the insurer any expenses properly incurred pursuant to the clause, notwithstanding that the insurer may have paid for a total loss, or that the subject-matter may have been warranted free from particular average, either wholly or under a certain percentage.

(2) General average losses and contributions and salvage charges as defined by this Act are not recoverable under the suing and labouring clause.

(3) Expenses incurred for the purpose of averting or diminishing any loss not covered by the policy are not recoverable under the suing and labouring clause.

SECTION 79 is vitally important. This clause in its usual terms will be found in the First Schedule to the Statute—"and in case of any loss or misfortune it shall be lawful to the assured, their factors, servants and assigns, to sue, labour, and travel for, in and about the defence, safeguards, and recovery of the said goods, etc." The purpose of this clause is obvious to enable the insured to take the necessary steps for the protection of the insurer's interest as well as his own without getting specific approval.

It will be observed that in some cases sue and labour charges may bring the insurer's liability to more than the face value of the policy.

Many policies of insurance other than marine contain a sue and labour clause but there is very little law on the subject applicable in Ontario and such a Section is highly desirable.

(4) It is the duty of the assured and his agents in all cases to take such measures as may be reasonable for the purpose of averting or minimizing a loss.

Rights of Insurer on Payment

80.—(1) Where the insurer pays for a total loss, either of the whole or, in the case of goods, of any apportionable part of the subject-matter insured, he thereupon becomes entitled to take over the interest of the assured in whatever may remain of the subject-matter so paid for, and he is thereby subrogated to all the rights and remedies of the assured in and in respect of that subject-matter as from the time of the casualty causing the loss. ^{Right of subrogation}

(2) Subject to the foregoing provisions, where the insurer pays for a partial loss, he acquires no title to the subject-matter insured, or such part of it as may remain, but he is thereupon subrogated to all rights and remedies of the assured in and in respect of the subject-matter insured as from the time of the casualty causing the loss, in so far as the assured has been indemnified, according to this Act, by such payment for the loss.

81.—(1) Where the assured is over-insured by double insurance, each insurer is bound, as between himself and the other insurers, to contribute rateably to the loss in proportion to the amount for which he is liable under his contract. ^{Right of contribution}

(2) If any insurer pays more than his proportion of the loss, he is entitled to maintain an action for contribution against the other insurers, and is entitled to the like remedies as a surety who has paid more than his proportion of the debt.

82. Where the assured is insured for an amount less than the insurable value or, in the case of a valued policy, for an amount less than the policy valuation, he is deemed to be his own insurer in respect of the uninsured balance. ^{Effect of under-insurance.}

Return of Premium

83. Where the premium, or a proportionate part thereof, is by this Act declared to be returnable,— ^{Enforcement of return.}

- (a) If already paid, it may be recovered by the assured from the insurer; and
- (b) if unpaid, it may be retained by the assured or his agent.

Return by
agreement.

84. Where the policy contains a stipulation for the return of the premium, or a proportionate part thereof, on the happening of a certain event, and that event happens, the premium, or, as the case may be, the proportionate part thereof, is thereupon returnable to the assured.

Return for
failure of
considera-
tion.

85.—(1) Where the consideration for the payment of the premium totally fails, and there has been no fraud or illegality on the part of the assured or his agents, the premium is thereupon returnable to the assured.

(2) Where the consideration for the payment of the premium is apportionable and there is a total failure of any apportionable part of the consideration, a proportionate part of the premium is, under the like conditions, thereupon returnable to the assured.

(3) In particular,—

- (a) where the policy is void, or is avoided by the insurer as from the commencement of the risk, the premium is returnable, provided that there has been no fraud or illegality on the part of the assured; but if the risk is not apportionable, and has once attached, the premium is not returnable;
- (b) where the subject-matter insured, or part thereof, has never been imperilled, the premium, or, as the case may be, a proportionate part thereof, is returnable;

Provided that where the subject-matter has been insured “lost or not lost” and has arrived in safety at the time when the contract is concluded, the premium is not returnable unless at such time the insurer knew of the safe arrival;

- (c) where the assured has no insurable interest throughout the currency of the risk, the premium is returnable, provided that this rule does not apply to a policy effected by way of gaming or wagering;
- (d) where the assured has a defeasible interest which is terminated during the currency of the risk, the premium is not returnable;
- (e) where the assured has over-insured under an unvalued policy, a proportionate part of the premium is returnable;
- (f) subject to the foregoing provisions, where the assured has over-insured by double insurance, a proportionate part of the several premiums is returnable;

SECTION 86. This is not common in Canada. In England there are a number of mutual associations writing protection and indemnity (third party liability generally), but when Canadian companies insure with them they do not, as a general rule, become members of the Association but obtain ordinary policies from them at a specific rate.

SECTION 90. The Statute is not a complete codification and it is designed so that reference can be had to the common law.

Provided that, if the policies are effected at different times, and any earlier policy has at any time borne the entire risk, or if a claim has been paid on the policy in respect of the full sum insured thereby, no premium is returnable in respect of that policy, and when the double insurance is effected knowingly by the assured no premium is returnable.

Mutual Insurance

86.—(1) Where two or more persons mutually agree to insure each other against marine losses there is said to be a mutual insurance. Modification of Act in case of mutual insurance.

(2) The provisions of this Act relating to the premium do not apply to mutual insurance, but a guarantee, or such other arrangement as may be agreed upon, may be substituted for the premium.

(3) The provisions of this Act, in so far as they may be modified by the agreement of the parties, may in the case of mutual insurance be modified by the terms of the policies issued by the association or by the rules and regulations of the association.

(4) Subject to the exceptions mentioned in this section, the provisions of this Act apply to a mutual insurance.

Supplemental

87. Where a contract of marine insurance is in good faith effected by one person on behalf of another, the person on whose behalf it is effected may ratify the contract even after he is aware of a loss. Ratification by assured.

88.—(1) Where any right, duty, or liability would arise under a contract of marine insurance by implication of law, it may be negatived or varied by express agreement, or by usage, if the usage be such as to bind both parties to the contract. Implied obligations varied by agreement or usage.

(2) The provisions of this section extend to any right, duty, or liability declared by this Act which may be lawfully modified by agreement.

89. Where by this Act any reference is made to reasonable time, reasonable premium, or reasonable diligence, the question what is reasonable is a question of fact. Reasonable time, etc., a question of fact.

90. The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts of marine insurance. Rules of common law saved.

91. This Act may be cited as *The Marine Insurance Act*, Short title. 1946.

SCHEDULE.

(Section 31.)

FORM OF POLICY

Be it known that _____ as well in _____ own name as for and in the name and names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in all doth make assurance and cause _____ and them, and every of them, to be insured lost or not lost, at and from _____. Upon any kind of goods and merchandises, and also upon the body, tackle, apparel, ordnance, munition, artillery, boat, and other furniture, of and in the good ship or vessel called the _____ whereof is master under God, for this present voyage, _____ or whosoever else shall go for master in the said ship, or by whatsoever other name or names the said ship, or the master thereof, is or shall be named or called; beginning the adventure upon the said goods and merchandises from the loading thereof aboard the said ship, _____ upon the said ship, etc., _____ and so shall continue and endure, during her abode there, upon the said ship, etc. And further, until the said ship, with all her ordnance, tackle, apparel, etc., and goods and merchandises whatsoever shall be arrived at _____ upon the said ship, etc., until she hath moored at anchor twenty-four hours in good safety; and upon the goods and merchandises, until the same be there discharged and safely landed. And it shall be lawful for the said ship, etc., in this voyage, to proceed and sail to and touch and stay at any ports or places whatsoever _____ Without prejudice to this insurance. The said ship, etc., goods and merchandises, etc., for so much as concerns the assured by agreement between the assured and assurers in this policy, are and shall be valued at _____.

Touching the adventures and perils which we, the assurers, are contented to bear and do take upon us in this voyage: they are of the seas, men-of-war, fire, enemies, pirates, rovers, thieves, jettisons, letters of mart and countermart, surprisals, takings at sea, arrests, restraints and, detainerments of all kings, princes, and people, of what nation, condition, or quality soever, barratry of the master and mariners, and of all other perils, losses, and misfortunes, that have or shall come to the hurt, detriment, or damage of the said goods and merchandises, and ship, etc., or any part thereof. And in case of any loss or misfortune it shall be lawful to the assured, their factors, servants, and assigns, to sue, labour, and travel for, in and about the defence, safeguards, and recovery of the said goods and merchandises, and ship, etc., or any part thereof, without prejudice to this insurance; to the charges whereof we, the assurers, will contribute each one according to the rate and quantity of his sum herein assured. And it is especially declared and agreed that no acts of the insurer or insured in recovering, saving, or preserving the property insured shall be considered as a waiver, or acceptance of abandonment. And it is agreed by us, the insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard Street, or in the Royal Exchange, or elsewhere in London. And so we, the assurers, are contented, and do hereby promise and bind ourselves, each one for his own part, our heirs, executors, and goods to the assured, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured, at and after the rate of _____.

In witness whereof we, the assurers, have subscribed our names and sums assured in _____.

(Memorandum.)

N.B.—Corn, fish, salt, fruit, flour, and seed are warranted free from average, unless general, or the ship be stranded; sugar, tobacco, hemp, flax, hides and skins are warranted free from average, under five pounds per centum; and all other goods, also the ship and freight, are warranted

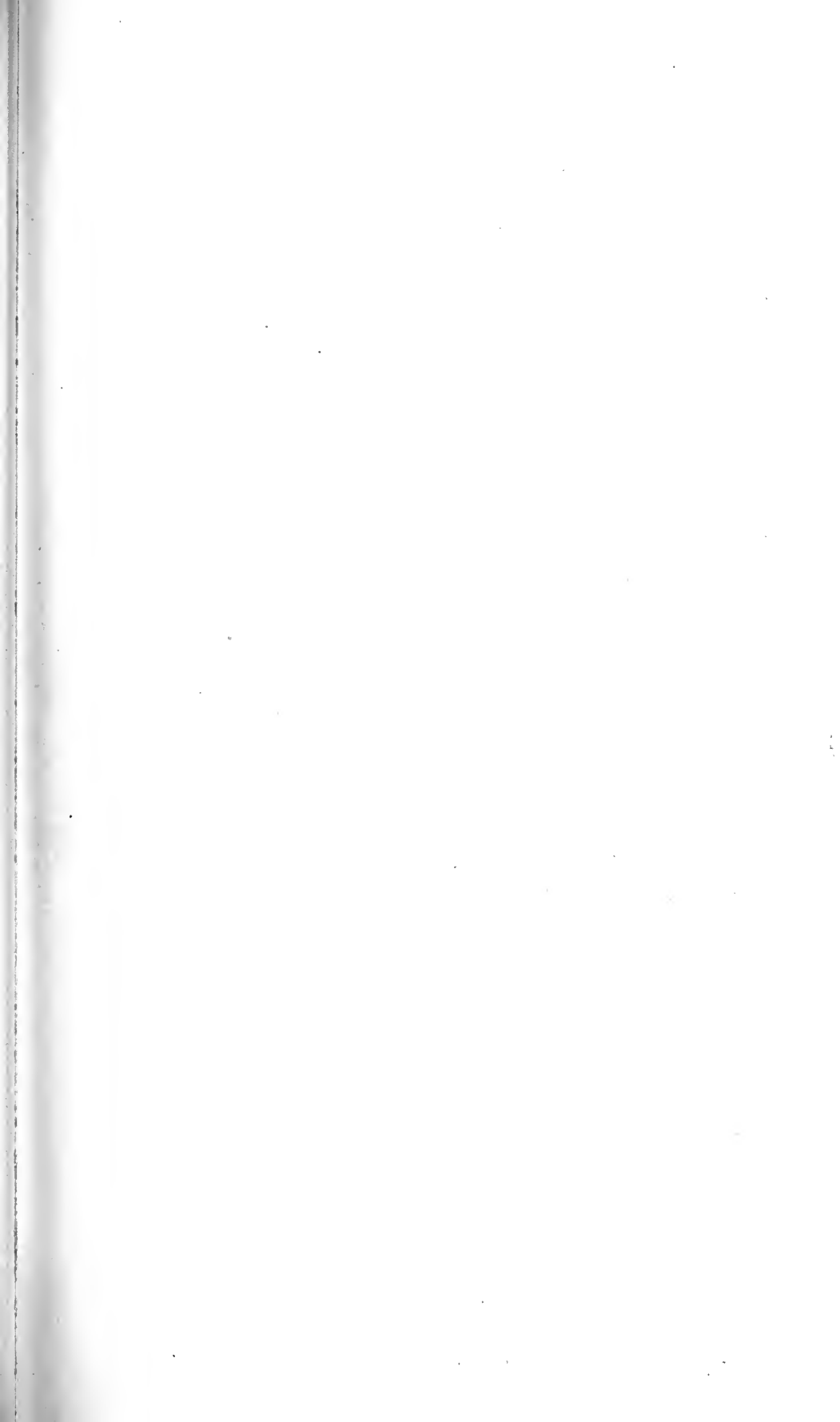
free from average, under three pounds per centum, unless general, or the ship be stranded.

Rules for Construction of Policy.

The following are the rules referred to by this Act for the construction of a policy in the above or other like form, where the context does not otherwise require:

1. Where the subject-matter is insured "lost or not lost" and the ^{Lost or} loss has occurred before the contract is concluded, the risk attaches, unless ^{not lost.} at such time the assured was aware of the loss, and the insurer was not.
2. Where the subject-matter is insured "from" a particular place, the ^{From.} risk does not attach until the ship starts on the voyage insured.
3. (a) Where a ship is insured "at and from" a particular place, and ^{At and from.} she is at that place in good safety when the contract is concluded, the risk attaches immediately.
- (b) If she be not at that place when the contract is concluded, the ^(Ship.) risk attaches as soon as she arrives there in good safety, and, unless the policy otherwise provides, it is immaterial that she is covered by another policy for a specified time after arrival.
- (c) Where chartered freight is insured "at and from" a particular ^(Freight.) place, and the ship is at that place in good safety when the contract is concluded, the risk attaches immediately. If she be not there when the contract is concluded, the risk attaches as soon as she arrives there in good safety.
- (d) Where freight, other than chartered freight, is payable without special conditions and is insured "at and from" a particular place, the risk attaches pro rata as the goods or merchandise are shipped; provided that if there be cargo in readiness which belongs to the ship-owner, or which some other person has contracted with him to ship, the risk attaches as soon as the ship is ready to receive such cargo.
4. Where goods or other movables are insured "from the loading ^{From the} thereof," the risk does not attach until such goods or movables are actually ^{loading} on board, and the insurer is not liable for them while in transit from the ^{thereof.} shore to the ship.
5. Where the risk on goods or other movables continues until they are ^{Safely} "safely landed," they must be landed in the customary manner and within ^{landed.} a reasonable time after arrival at the port of discharge, and if they are not so landed the risk ceases.
6. In the absence of any further licence or usage, the liberty to touch ^{Touch and} and stay "at any port or place whatsoever" does not authorize the ship ^{stay.} to depart from the course of her voyage from the port of departure to the port of destination.
7. The term "perils of the seas" refers only to fortuitous accidents ^{Perils of} or casualties of the seas. It does not include the ordinary action of the ^{the seas.} winds and waves.
8. The term "pirates" includes passengers who mutiny and rioters who ^{Pirates.} attack the ship from the shore.
9. The term "thieves" does not cover clandestine theft or a theft ^{Thieves.} committed by any one of the ship's company, whether crew or passengers.
10. The term "arrests, etc., of kings, princes, and people" refers to ^{Restraint of} political or executive acts, and does not include a loss caused by riot or ^{princes.} by ordinary judicial process.
11. The term "barratry" includes every wrongful act wilfully com- ^{Barratry.} mitted by the master or crew to the prejudice of the owner, or, as the case may be, the charterer.

- All other perils. 12. The term "all other perils" includes only perils similar in kind to the perils specifically mentioned in the policy.
- Average unless general. 13. The term "average unless general" means a partial loss of the subject-matter insured other than a general average loss, and does not include "particular charges."
- Stranded. 14. Where the ship has stranded, the insurer is liable for the excepted losses, although the loss is not attributable to the stranding, provided that when the stranding takes place the risk has attached and, if the policy be on goods, that the damaged goods are on board.
- Ship. 15. The term "ship" includes the hull, materials and outfit, stores and provisions for the officers and crew, and, in the case of vessels engaged in a special trade, the ordinary fittings requisite for the trade, and also, in the case of a steamship, the machinery, boilers, and coals, oils, and engine stores, if owned by the assured.
- Freight. 16. The term "freight" includes the profit derivable by a ship-owner from the employment of his ship to carry his own goods or movables, as well as freight payable by a third party, but does not include passage-money.
- Goods. 17. The term "goods" means goods in the nature of merchandise, and does not include personal effects or provisions and stores for use on board.
- In The absence of any usage to the contrary, deck cargo and living animals must be insured specifically, and not under the general denomination of goods.



An Act respecting Marine Insurance.

1st Reading

March 4th, 1946

*2nd Reading**3rd Reading*

MR. BLACKWELL.

No. 50

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Marine Insurance.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
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BILL

An Act respecting Marine Insurance.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation.

1. In this Act, unless the context otherwise requires,—

Expressions
interpreted.

(a) "action" includes counterclaim and set-off;

(b) "freight" includes the profit derivable by a ship-owner from the employment of his ship to carry his own goods or movables, as well as freight payable by a third party, but does not include passage-money;

(c) "movables" means any movable tangible property, other than the ship, and includes money, valuable securities, and other documents;

(d) "policy" means a marine policy.

2. A contract of marine insurance is a contract whereby the insurer undertakes to indemnify the assured, in manner and to the extent thereby agreed, against marine losses, that is to say, the losses incident to marine adventure. Marine
insurance
defined.

3.—(1) A contract of marine insurance may, by its express terms or by usage of trade, be extended so as to protect the assured against losses on inland waters or on any land risk which may be incidental to any sea voyage. Mixed sea
and land
risks.

(2) Where a ship in course of building, or the launch of a ship, or any adventure analogous to a marine adventure, is covered by a policy in the form of a marine policy, the provisions of this Act, in so far as applicable, shall apply thereto; but, except as by this section provided, nothing in this Act shall alter or affect any rule of law applicable to any contract

of insurance other than a contract of marine insurance as by this Act defined.

Marine
adventure
and mari-
time perils
defined.

4.—(1) Subject to the provisions of this Act, every lawful marine adventure may be the subject of a contract of marine insurance.

(2) In particular there is a marine adventure where,—

- (a) any ship, goods, or other movables are exposed to maritime perils. Such property is in this Act referred to as “insurable property”;
- (b) the earning or acquisition of any freight, passage-money, commission, profit, or other pecuniary benefit, or the security for any advances, loan, or disbursements, is endangered by the exposure of insurable property to maritime perils;
- (c) any liability to a third party may be incurred by the owner of, or other person interested in or responsible for, insurable property by reason of maritime perils.

(3) “Maritime perils” means the perils consequent on or incidental to the navigation of the sea, that is to say, perils of the seas, fire, war perils, pirates, rovers, thieves, captures, seizures, restraints, and detainments of princes and peoples, jettisons, barratry, and any other perils, either of the like kind or which may be designated by the policy.

Insurable Interest.

Avoidance of
wagering or
gaming
contracts.

5.—(1) Every contract of marine insurance by way of gaming or wagering is void.

(2) A contract of marine insurance is deemed to be a gaming or wagering contract,—

- (a) where the assured has not an insurable interest as defined by this Act, and the contract is entered into with no expectation of acquiring such an interest; or
- (b) where the policy is made “interest or no interest,” or “without further proof of interest than the policy itself,” or “without benefit of salvage to the insurer,” or subject to any other like term;

Provided that where there is no possibility of salvage a policy may be effected without benefit of salvage to the insurer.

6.—(1) Subject to the provisions of this Act, every person has an insurable interest who is interested in a marine adventure.^{Insurable interest defined.}

(2) In particular a person is interested in a marine adventure where he stands in any legal or equitable relation to the adventure or to any insurable property at risk therein, in consequence of which he may benefit by the safety or due arrival of insurable property, or may be prejudiced by its loss or by damage thereto or by the detention thereof, or may incur liability in respect thereof.

7.—(1) The assured must be interested in the subject-matter insured at the time of the loss though he need not be interested when the insurance is effected;^{When interest must attach.}

Provided that where the subject-matter is insured "lost or not lost," the assured may recover although he may not have acquired his interest until after the loss, unless at the time of effecting the contract of insurance the assured was aware of the loss and the insurer was not.

(2) Where the assured has no interest at the time of the loss, he cannot acquire interest by any act or election after he is aware of the loss.

8.—(1) A defeasible interest is insurable, as also is a contingent interest.^{Defeasible or contingent interest.}

(2) In particular, where the buyer of goods has insured them, he has an insurable interest, notwithstanding that he might, at his election, have rejected the goods, or have treated them as at the seller's risk, by reason of the latter's delay in making delivery or otherwise.

9. A partial interest of any nature is insurable.

^{Partial interest.}

10.—(1) The insurer under a contract of marine insurance has an insurable interest in his risk and may re-insure in respect of it.^{Re-insurance.}

(2) Unless the policy otherwise provides, the original assured has no right or interest in respect of such reinsurance.

11. The lender of money on bottomry or respondentia has an insurable interest in respect of the loan.^{Bottomry.}

12. The master or any member of the crew of a ship has an insurable interest in respect of his wages.^{Master's and seamen's wages.}

13. In the case of advance freight, the person advancing^{Advance freight.}

the freight has an insurable interest, in so far as such freight is not repayable in case of loss.

Charges of insurance.

14. The assured has an insurable interest in the charges of any insurance which he may effect.

Quantum of interest.

15.—(1) Where the subject-matter insured is mortgaged, the mortgagor has an insurable interest in the full value thereof, and the mortgagee has an insurable interest in respect of any sum due or to become due under the mortgage.

(2) A mortgagee, consignee, or other person having an interest in the subject-matter insured may insure on behalf and for the benefit of other persons interested as well as for his own benefit.

(3) The owner of insurable property has an insurable interest in respect of the full value thereof, notwithstanding that some third person may have agreed, or be liable, to indemnify him in case of loss.

Assignment of interest.

16. Where the assured assigns or otherwise parts with his interest in the subject-matter insured, he does not thereby transfer to the assignee his rights under the contract of insurance, unless there be an express or implied agreement with the assignee to that effect; but the provisions of this section do not affect a transmission of interest by operation of law.

Insurable Value.

Measure of insurable value.

17. Subject to any express provision or valuation in the policy, the insurable value of the subject-matter insured must be ascertained as follows:

- (a) In insurance on ship, the insurable value is the value, at the commencement of the risk, of the ship, including her outfit, provisions and stores for the officers and crew, money advanced for seamen's wages, and other disbursements, if any, incurred to make the ship fit for the voyage or adventure contemplated by the policy, plus the charges of insurance upon the whole.

The insurable value, in the case of a steamship, includes also the machinery, boilers, and coals, oils, and engine stores if owned by the assured, and, in the case of a ship engaged in a special trade, the ordinary fittings requisite for that trade;

- (b) In insurance on freight, whether paid in advance or otherwise, the insurable value is the gross amount of

the freight at the risk of the assured, plus the charges of insurance;

- (c) In insurance on goods or merchandise, the insurable value is the prime cost of the property insured, plus the expenses of and incidental to shipping and the charges of insurance upon the whole;
- (d) In insurance on any other subject-matter, the insurable value is the amount at the risk of the assured when the policy attaches, plus the charges of insurance.

Disclosure and Representations.

18. A contract of marine insurance is a contract based upon the utmost good faith, and if the utmost good faith be not observed by either party the contract may be avoided by the other party. Insurance is
uberrimae
fidei.

19.—(1) Subject to the provisions of this section, the assured must disclose to the insurer before the contract is concluded every material circumstance which is known to the assured, and the assured is deemed to know every circumstance which in the ordinary course of business ought to be known by him. If the assured fails to make such disclosure the insurer may avoid the contract. Disclosure
by assured.

(2) Every circumstance is material which would influence the judgment of a prudent insurer in fixing the premium or determining whether he will take the risk.

(3) In the absence of inquiry the following circumstances need not be disclosed, namely,—

- (a) any circumstance which diminishes the risk;
 - (b) any circumstance which is known or presumed to be known to the insurer. The insurer is presumed to know matters of common notoriety or knowledge and matters which an insurer in the ordinary course of his business, as such, ought to know;
 - (c) any circumstance as to which information is waived by the insurer;
 - (d) any circumstance which it is superfluous to disclose by reason of any express or implied warranty.
- (4) Whether any particular circumstance which is not disclosed be material or not is in each case a question of fact.

(5) The term "circumstance" includes any communication made to or information received by the assured.

Disclosure
by agent
effecting
insurance.

20. Subject to the provisions of the preceding section as to circumstances which need not be disclosed, where an insurance is effected for the assured by an agent, the agent must disclose to the insurer,—

- (a) every material circumstance which is known to himself, and an agent to insure is deemed to know every circumstance which in the ordinary course of business ought to be known by or to have been communicated to him; and
- (b) every material circumstance which the assured is bound to disclose, unless it come to his knowledge too late to communicate it to the agent.

Representa-
tions
pending
negotiation
of contract.

21.—(1) Every material representation made by the assured or his agent to the insurer during the negotiations for the contract, and before the contract is concluded, must be true. If it be untrue the insurer may avoid the contract.

(2) A representation is material which would influence the judgment of a prudent insurer in fixing the premium or determining whether he will take the risk.

(3) A representation may be either a representation as to a matter of fact or as to a matter of expectation or belief.

(4) A representation as to a matter of fact is true if it be substantially correct, that is to say, if the difference between what is represented and what is actually correct would not be considered material by a prudent insurer.

(5) A representation as to a matter of expectation or belief is true if it be made in good faith.

(6) A representation may be withdrawn or corrected before the contract is concluded.

(7) Whether a particular representation be material or not is in each case a question of fact.

When con-
tract is
deemed to
be con-
cluded.

22. A contract of marine insurance is deemed to be concluded when the proposal of the assured is accepted by the insurer, whether the policy be then issued or not; and for the purpose of showing when the proposal was accepted, reference may be made to the slip or covering note or other customary memorandum of the contract.

The Policy

23. A contract of marine insurance is inadmissible in evidence unless it is embodied in a marine policy in accordance with this Act. The policy may be executed and issued either at the time when the contract is concluded or afterwards.

Contract must be embodied in policy.

24. A marine policy must specify,—

What policy must specify.

- (a) the name of the assured or of some person who effects the insurance on his behalf;
- (b) the subject-matter insured and the risk insured against;
- (c) the voyage or period of time, or both, as the case may be, covered by the insurance;
- (d) the sum or sums insured;
- (e) the name or names of the insurers.

25.—(1) A marine policy must be signed by or on behalf of the insurer, provided that in the case of a corporation the corporate seal may be sufficient, but nothing in this section shall be construed as requiring the subscription of a corporation to be under seal.

Signature of insurer.

(2) Where a policy is subscribed by or on behalf of two or more insurers, each subscription, unless the contrary be expressed, constitutes a distinct contract with the assured.

26. Where the contract is to insure the subject-matter at and from, or from one place to another or others, the policy is called a "voyage policy," and where the contract is to insure the subject-matter for a definite period of time the policy is called a "time policy." A contract for both voyage and time may be included in the same policy.

Voyage and time policies.

27.—(1) The subject-matter insured must be designated in a marine policy with reasonable certainty.

Designation of subject-matter.

(2) The nature and extent of the interest of the assured in the subject-matter insured need not be specified in the policy.

(3) Where the policy designates the subject-matter insured in general terms, it shall be construed to apply to the interest intended by the assured to be covered.

(4) In the application of this section regard shall be had to any usage regulating the designation of the subject-matter insured.

Valued
policy.

28.—(1) A policy may be either valued or unvalued.

(2) A valued policy is a policy which specifies the agreed value of the subject-matter insured.

(3) Subject to the provisions of this Act, and in the absence of fraud, the value fixed by the policy is, as between the insurer and assured, conclusive of the insurable value of the subject intended to be insured, whether the loss be total or partial.

(4) Unless the policy otherwise provides, the value fixed by the policy is not conclusive for the purpose of determining whether there has been a constructive total loss.

Unvalued
policy.

29. An unvalued policy is a policy which does not specify the value of the subject-matter insured, but, subject to the limit of the sum insured, leaves the insurable value to be subsequently ascertained in the manner hereinbefore specified.

Floating
policy by
ship or
ships.

30.—(1) A floating policy is a policy which describes the insurance in general terms and leaves the name of the ship or ships and other particulars to be defined by subsequent declaration.

(2) The subsequent declaration or declarations may be made by endorsement on the policy or in other customary manner.

(3) Unless the policy otherwise provides, the declarations must be made in the order of dispatch or shipment. They must, in the case of goods, comprise all consignments within the terms of the policy, and the value of the goods or other property must be honestly stated, but an omission or erroneous declaration may be rectified even after loss or arrival, provided the omission or declaration was made in good faith.

(4) Unless the policy otherwise provides, where a declaration of value is not made until after notice of loss or arrival, the policy must be treated as an unvalued policy as regards the subject-matter of that declaration.

Construc-
tion of terms
in policy.

31.—(1) A policy may be in the form in the Schedule.

(2) Subject to the provisions of this Act, and unless the context of the policy otherwise requires, the terms and expressions mentioned in the Schedule shall be construed as having the scope and meaning in the Schedule assigned to them.

Premium to
be arranged.

32.—(1) Where an insurance is effected at a premium to

be arranged, and no arrangement is made, a reasonable premium is payable.

(2) Where an insurance is effected on the terms that an additional premium is to be arranged in a given event, and that event happens but no arrangement is made, then a reasonable additional premium is payable.

Double Insurance

33.—(1) Where two or more policies are effected by or on behalf of the assured on the same adventure and interest or any part thereof, and the sums insured exceed the indemnity allowed by this Act, the assured is said to be over-insured by double insurance.

(2) Where the assured is over-insured by double insurance,—

- (a) the assured, unless the policy otherwise provides, may claim payment from the insurers in such order as he may think fit, provided that he is not entitled to receive any sum in excess of the indemnity allowed by this Act;
- (b) where the policy under which the assured claims is a valued policy, the assured must give credit as against the valuation for any sum received by him under any other policy without regard to the actual value of the subject-matter insured;
- (c) where the policy under which the assured claims is an unvalued policy, he must give credit, as against the full insurable value, for any sum received by him under any other policy;
- (d) where the assured receives any sum in excess of the indemnity allowed by this Act, he is deemed to hold such sum in trust for the insurers, according to their right of contribution among themselves.

Warranties, etc.

34.—(1) A warranty, in the following sections relating to warranties, means a promissory warranty, that is to say, a warranty by which the assured undertakes that some particular thing shall or shall not be done, or that some condition shall be fulfilled, or whereby he affirms or negatives the existence of a particular state of facts.

(2) A warranty may be express or implied.

(3) A warranty, as above defined, is a condition which must be exactly complied with, whether it be material to the risk or not. If it be not so complied with, then, subject to any express provision in the policy, the insurer is discharged from liability as from the date of the breach of warranty, but without prejudice to any liability incurred by him before that date.

When breach
of warranty
excused.

35.—(1) Non-compliance with a warranty is excused when, by reason of a change of circumstances, the warranty ceases to be applicable to the circumstances of the contract, or when compliance with the warranty is rendered unlawful by any subsequent law.

(2) Where a warranty is broken, the assured cannot avail himself of the defence that the breach has been remedied and the warranty complied with before loss.

(3) A breach of warranty may be waived by the insurer.

Express
warranties.

36.—(1) An express warranty may be in any form of words from which the intention to warrant is to be inferred.

(2) An express warranty must be included in or written upon the policy, or must be contained in some document incorporated by reference into the policy.

(3) An express warranty does not exclude an implied warranty, unless it be inconsistent therewith.

Warranty of
neutrality.

37.—(1) Where insurable property, whether ship or goods, is expressly warranted "neutral," there is an implied condition that the property shall have a neutral character at the commencement of the risk, and that, so far as the assured can control the matter, its neutral character shall be preserved during the risk.

(2) Where a ship is expressly warranted "neutral," there is also an implied condition that, so far as the assured can control the matter, she shall be properly documented, that is to say, that she shall carry the necessary papers to establish her neutrality, and that she shall not falsify or suppress her papers or use simulated papers. If any loss occurs through breach of this condition, the insurer may avoid the contract.

No implied
warranty of
nationality.

38. There is no implied warranty as to the nationality of a ship or that her nationality shall not be changed during the risk.

Warranty of
good safety.

39. Where the subject-matter insured is warranted "well" or "in good safety" on a particular day, it is sufficient if it be safe at any time during that day.

40.—(1) In the voyage policy there is an implied warranty^{Warranty of seaworthiness of ship.} that at the commencement of the voyage the ship shall be seaworthy for the purpose of the particular adventure insured.

(2) Where the policy attaches while the ship is in port, there is also an implied warranty that she shall at the commencement of the risk be reasonably fit to encounter the ordinary perils of the port.

(3) Where the policy relates to a voyage which is performed in different stages, during which the ship requires different kinds of or further preparation or equipment, there is an implied warranty that at the commencement of each stage the ship is seaworthy in respect of such preparation or equipment for the purposes of that stage.

(4) A ship is deemed to be seaworthy when she is reasonably fit in all respects to encounter the ordinary perils of the seas of the adventure insured.

(5) In a time policy there is no implied warranty that the ship shall be seaworthy at any stage of the adventure, but where, with the privity of the assured, the ship is sent to sea in an unseaworthy state, the insurer is not liable for any loss attributable to unseaworthiness.

41.—(1) In a policy on goods or other movables there is^{No implied warranty that goods are seaworthy.} no implied warranty that the goods or movables are seaworthy.

(2) In a voyage policy on goods or other movables there is an implied warranty that at the commencement of the voyage the ship is not only seaworthy as a ship, but also that she is reasonably fit to carry the goods or other movables to the destination contemplated by the policy.

42. There is an implied warranty that the adventure^{Warranty of legality.} insured is a lawful one, and that, so far as the assured can control the matter, the adventure shall be carried out in a lawful manner.

The Voyage

43.—(1) Where the subject-matter is insured by a voyage policy "at and from" or "from" a particular place, it is not^{Implied condition as to commencement of risk.} necessary that the ship should be at that place when the contract is concluded, but there is an implied condition that the adventure shall be commenced within a reasonable time, and that if the adventure be not so commenced the insurer may avoid the contract.

(2) The implied condition may be negated by showing that the delay was caused by circumstances known to the insurer before the contract was concluded, or by showing that he waived the condition.

Alteration of
port of
departure.

44. Where the place of departure is specified by the policy, and the ship, instead of sailing from that place, sails from any other place, the risk does not attach.

Sailing for
different
destination.

45. Where the destination is specified in the policy, and the ship, instead of sailing for that destination, sails for any other destination, the risk does not attach.

Change of
voyage.

46.—(1) Where, after the commencement of the risk, the destination of the ship is voluntarily changed from the destination contemplated by the policy, there is said to be a change of voyage.

(2) Unless the policy otherwise provides, where there is a change of voyage, the insurer is discharged from liability as from the time of change, that is to say, as from the time when the determination to change it is manifested; and it is immaterial that the ship may not in fact have left the course of voyage contemplated by the policy when the loss occurs.

Deviation.

47.—(1) Where a ship, without lawful excuse, deviates from the voyage contemplated by the policy, the insurer is discharged from liability as from the time of deviation, and it is immaterial that the ship may have regained her route before any loss occurs.

(2) There is a deviation from the voyage contemplated by the policy,—

(a) where the course of the voyage is specially designated by the policy and that course is departed from; or

(b) where the course of the voyage is not specifically designated by the policy, but the usual and customary course is departed from.

(3) The intention to deviate is immaterial; there must be a deviation in fact to discharge the insurer from his liability under the contract.

Several ports
of discharge.

48.—(1) Where several ports of discharge are specified by the policy, the ship may proceed to all or any of them, but, in the absence of any usage or sufficient cause to the contrary, she must proceed to them, or such of them as she goes to, in the order designated by the policy. If she does not there is a deviation.

(2) Where the policy is to "ports of discharge," within a given area, which are not named, the ship must, in the absence of any usage or sufficient cause to the contrary, proceed to them, or such of them as she goes to, in their geographical order. If she does not there is a deviation.

49. In the case of a voyage policy, the adventure insured must be prosecuted throughout its course with reasonable dispatch, and, if without lawful excuse it is not so prosecuted, the insurer is discharged from liability as from the time when the delay became unreasonable. Delay in voyage.

50.—(1) Deviation or delay in prosecuting the voyage contemplated by the policy is excused,— Excuses for deviation or delay.

- (a) where authorized by any special term in the policy; or
- (b) where caused by circumstances beyond the control of the master and his employer; or
- (c) where reasonably necessary in order to comply with an express or implied warranty; or
- (d) where reasonably necessary for the safety of the ship or subject-matter insured; or
- (e) for the purpose of saving human life, or aiding a ship in distress where human life may be in danger; or
- (f) where reasonably necessary for the purpose of obtaining medical or surgical aid for any person on board the ship; or
- (g) where caused by the barratrous conduct of the master or crew, if barratry be one of the perils insured against.

(2) When the cause excusing the deviation or delay ceases to operate, the ship must resume her course and prosecute her voyage with reasonable dispatch.

Assignment of Policy

51.—(1) A marine policy is assignable unless it contains terms expressly prohibiting assignment. It may be assigned either before or after loss. When and how policy is assignable.

(2) Where a marine policy has been assigned so as to pass the beneficial interest in such policy, the assignee of the policy is entitled to sue thereon in his own name; and the defendant is entitled to make any defence arising out of the contract which he would have been entitled to make if the action had been brought in the name of the person by or on behalf of whom the policy was effected.

(3) A marine policy may be assigned by endorsement thereon or in other customary manner.

Assured who
has no
interest can-
not assign.

52. Where the assured has parted with or lost his interest in the subject-matter insured, and has not, before or at the time of so doing, expressly or impliedly agreed to assign the policy, any subsequent assignment of the policy is inoperative;

Provided that nothing in this section affects the assignment of a policy after loss.

The Premium

When
premium
payable.

53. Unless otherwise agreed, the duty of the assured or his agent to pay the premium, and the duty of the insurer to issue the policy to the assured or his agent, are concurrent conditions, and the insurer is not bound to issue the policy until payment or tender of the premium.

Policy
effected
through
broker.

54.—(1) Unless otherwise agreed, where a marine policy is effected on behalf of the assured by a broker, the broker is directly responsible to the insurer for the premium, and the insurer is directly responsible to the assured for the amount which may be payable in respect of losses or in respect of returnable premium.

(2) Unless otherwise agreed, the broker has, as against the assured, a lien upon the policy for the amount of the premium and his charges in respect of effecting the policy; and, where he has dealt with the person who employs him as a principal, he has also a lien on the policy in respect of any balance on any insurance account which may be due to him from such person, unless when the debt was incurred he had reason to believe that such person was only an agent.

Effect of
receipt on
policy

55. Where a marine policy effected on behalf of the assured by a broker acknowledges the receipt of the premium, such acknowledgment is, in the absence of fraud, conclusive as between the insurer and the assured, but not as between the insurer and broker.

Loss and Abandonment

Included and
excluded
losses.

56.—(1) Subject to the provisions of this Act, and unless the policy otherwise provides, the insurer is liable for any loss proximately caused by a peril insured against, but, subject as aforesaid, he is not liable for any loss which is not proximately caused by a peril insured against.

(2) In particular,—

(a) The insurer is not liable for any loss attributable to the wilful misconduct of the assured, but, unless the policy otherwise provides, he is liable for any loss proximately caused by a peril insured against, even

though the loss would not have happened but for the misconduct or negligence of the master or crew;

- (b) Unless the policy otherwise provides, the insurer on ship or goods is not liable for any loss proximately caused by delay, although the delay be caused by a peril insured against;
- (c) Unless the policy otherwise provides, the insurer is not liable for ordinary wear and tear, ordinary leakage and breakage, inherent vice or nature of the subject-matter insured, or for any loss proximately caused by rats or vermin, or for any injury to machinery not proximately caused by maritime perils.

57.—(1) A loss may be either total or partial. Any loss ^{Partial and total loss.} other than a total loss, as hereinafter defined, is a partial loss.

(2) A total loss may be either an actual total loss or a constructive total loss.

(3) Unless a different intention appears from the terms of the policy, an insurance against total loss includes a constructive as well as an actual total loss.

(4) Where the assured brings an action for a total loss and the evidence proves only a partial loss, he may, unless the policy otherwise provides, recover for a partial loss.

(5) Where goods reach their destination in specie, but by reason of obliteration of marks, or otherwise, they are incapable of identification, the loss, if any, is partial and not total.

58.—(1) Where the subject-matter insured is destroyed, ^{Actual total loss.} or so damaged as to cease to be a thing of the kind insured, or where the assured is irretrievably deprived thereof, there is an actual total loss.

(2) In the case of an actual total loss no notice of abandonment need be given.

59. Where the ship concerned in the adventure is missing, ^{Missing ship.} and after the lapse of a reasonable time no news of her has been received, an actual total loss may be presumed.

60. Where, by a peril insured against, the voyage is interrupted at an intermediate port or place under such circumstances as, apart from any special stipulation in the contract of affreightment, to justify the master in landing and reshipping the goods or other movables, or in transshipping them, and sending them on to their destination, the liability of the ^{Effect of transshipment, etc.}

insurer continues, notwithstanding the landing or transshipment.

Constructive
total loss
defined.

61.—(1) Subject to any express provision in the policy, there is a constructive total loss where the subject-matter insured is reasonably abandoned on account of its actual total loss appearing to be unavoidable, or because it could not be preserved from actual total loss without an expenditure which would exceed its value when the expenditure had been incurred.

(2) In particular, there is a constructive total loss,—

(a) where the assured is deprived of the possession of his ship or goods by a peril insured against, and

(i) it is unlikely that he can recover the ship or goods, as the case may be, or

(ii) the cost of recovering the ship or goods, as the case may be, would exceed their value when recovered; or

(b) in the case of damage to a ship, where she is so damaged by a peril insured against that the cost of repairing the damage would exceed the value of the ship when repaired.

In estimating the cost of repairs, no deduction is to be made in respect of general average contributions to those repairs payable by other interests, but account is to be taken of the expense of future salvage operations and of any future general average contributions to which the ship would be liable if repaired; or

(c) in the case of damage to goods, where the cost of repairing the damage and forwarding the goods to their destination would exceed their value on arrival.

Effect of
constructive
total loss.

62. Where there is a constructive total loss, the assured may either treat the loss as a partial loss or abandon the subject-matter insured to the insurer and treat the loss as if it were an actual total loss.

Notice of
abandonment.

63.—(1) Subject to the provisions of this section, where the assured elects to abandon the subject-matter insured to the insurer, he must give notice of abandonment. If he fails to do so the loss can only be treated as a partial loss.

(2) Notice of abandonment may be given in writing or by word of mouth, or partly in writing and partly by word of

mouth, and may be given in any terms which indicate the intention of the assured to abandon his insured interest in the subject-matter insured unconditionally to the insurer.

(3) Notice of abandonment must be given with reasonable diligence after the receipt of reliable information of the loss, but where the information is of a doubtful character the assured is entitled to a reasonable time to make inquiry.

(4) Where notice of abandonment is properly given, the rights of the assured are not prejudiced by the fact that the insurer refuses to accept the abandonment.

(5) The acceptance of an abandonment may be either express or implied from the conduct of the insurer. The mere silence of the insurer after notice is not an acceptance.

(6) Where notice of abandonment is accepted the abandonment is irrevocable. The acceptance of the notice conclusively admits liability for the loss and the sufficiency of the notice.

(7) Notice of abandonment is unnecessary where, at the time when the assured receives information of the loss, there would be no possibility of benefit to the insurer if notice were given to him.

(8) Notice of abandonment may be waived by the insurer.

(9) Where an insurer has re-insured his risk, no notice of abandonment need be given by him.

64.—(1) Where there is a valid abandonment, the insurer is entitled to take over the interest of the assured in whatever may remain of the subject-matter insured and all proprietary rights incidental thereto. ^{Effect of abandonment.}

(2) Upon the abandonment of a ship, the insurer thereof is entitled to any freight in course of being earned, and which is earned by her subsequent to the casualty causing the loss, less the expenses of earning it incurred after the casualty; and, where the ship is carrying the owner's goods, the insurer is entitled to a reasonable remuneration for the carriage of them subsequent to the casualty causing the loss.

Partial Losses (including Salvage and General Average and Particular Charges).

65.—(1) A particular average loss is a partial loss of the subject-matter insured, caused by a peril insured against, and which is not a general average loss. ^{Particular average loss.}

(2) Expenses incurred by or on behalf of the assured for the safety or preservation of the subject-matter insured, other than general average and salvage charges, are called particular charges. Particular charges are not included in particular average.

Salvage
charges.

66.—(1) Subject to any express provision in the policy, salvage charges incurred in preventing a loss by perils insured against may be recovered as a loss by those perils.

(2) "Salvage charges" means the charges recoverable under maritime law by a salvor independently of contract. They do not include the expenses of services in the nature of salvage rendered by the assured or his agents, or any person employed for hire by them, for the purpose of averting a peril insured against. Such expenses, where properly incurred, may be recovered as particular charges or as a general average loss, according to the circumstances under which they were incurred.

General
average loss.

67.—(1) A general average loss is a loss caused by or directly consequential on a general average act. It includes a general average expenditure as well as a general average sacrifice.

(2) There is a general average act where any extraordinary sacrifice or expenditure is voluntarily and reasonably made or incurred in time of peril for the purpose of preserving the property imperilled in the common adventure.

(3) Where there is a general average loss, the party on whom it falls is entitled, subject to the conditions imposed by maritime law, to a rateable contribution from the other parties interested, and such contribution is called a general average contribution.

(4) Subject to any express provision in the policy, where the assured has incurred a general average expenditure, he may recover from the insurer in respect of the proportion of the loss which falls upon him; and, in the case of a general average sacrifice, he may recover from the insurer in respect of the whole loss without having enforced his right of contribution from the other parties liable to contribute.

(5) Subject to any express provision in the policy, where the assured has paid, or is liable to pay, a general average contribution in respect of the subject insured, he may recover therefor from the insurer.

(6) In the absence of express stipulation, the insurer is not liable for any general average loss or contribution where the loss was not incurred for the purpose of avoiding, or in connection with the avoidance of, a peril insured against.

(7) Where ship, freight, and cargo, or any two of those interests, are owned by the same assured, the liability of the insurer in respect of general average losses or contributions is to be determined as if those subjects were owned by different persons.

Measure of Indemnity.

68.—(1) The sum which the assured can recover in respect of a loss on a policy by which he is insured, in the case of an unvalued policy to the full extent of the insurable value, or in the case of a valued policy to the full extent of the value fixed by the policy, is called the measure of indemnity. Extent of liability of insurer for loss.

(2) Where there is a loss recoverable under the policy, the insurer, or each insurer if there be more than one, is liable for such proportion of the measure of indemnity as the amount of his subscription bears to the value fixed by the policy in the case of a valued policy, or to the insurable value in the case of an unvalued policy.

69. Subject to the provisions of this Act and to any express Total loss. provision in the policy, where there is a total loss of the subject-matter insured,—

- (a) if the policy be a valued policy, the measure of indemnity is the sum fixed by the policy;
- (b) if the policy be an unvalued policy, the measure of indemnity is the insurable value of the subject-matter insured.

70. Where a ship is damaged, but is not totally lost, the Partial loss of ship. measure of indemnity, subject to any express provision in the policy, is as follows:

- (1) Where the ship has been repaired, the assured is entitled to the reasonable cost of the repairs, less the customary deductions, but not exceeding the sum insured in respect of any one casualty;
- (2) Where the ship has been only partially repaired, the assured is entitled to the reasonable cost of such repairs, computed as above, and also to be indemnified for the reasonable depreciation, if any, arising from the unrepaired damage, provided that the aggregate amount shall not exceed the cost of repairing the whole damage, computed as above;
- (3) Where the ship has not been repaired and has not been sold in her damaged state during the risk, the

assured is entitled to be indemnified for the reasonable depreciation arising from the unrepaired damage, but not exceeding the reasonable cost of repairing such damage, computed as above.

Partial loss
of freight.

71. Subject to any express provision in the policy, where there is a partial loss of freight, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the proportion of freight lost by the assured bears to the whole freight at the risk of the assured under the policy.

Partial loss
of goods,
merchandise,
etc.

72. Where there is a partial loss of goods, merchandise, or other movables, the measure of indemnity, subject to any express provision in the policy, is as follows:

- (1) Where part of the goods, merchandise, or other movables insured by a valued policy is totally lost, the measure of indemnity is such proportion of the sum fixed by the policy as the insurable value of the part lost bears to the insurable value of the whole, ascertained as in the case of an unvalued policy;
- (2) Where part of the goods, merchandise, or other movables insured by an unvalued policy is totally lost, the measure of indemnity is the insurable value of the part lost, ascertained as in case of total loss;
- (3) Where the whole or any part of the goods or merchandise insured has been delivered damaged at its destination, the measure of indemnity is such proportion of the sum fixed by the policy in the case of a valued policy, or of the insurable value in the case of an unvalued policy, as the difference between the gross sound and damaged values at the place of arrival bears to the gross sound value;
- (4) "Gross value" means the wholesale price or, if there be no such price, the estimated value, with, in either case, freight, landing charges, and duty paid beforehand; provided that, in the case of goods or merchandise customarily sold in bond, the bonded price is deemed to be the gross value. "Gross proceeds" means the actual price obtained at a sale where all charges on sale are paid by the sellers.

Apportion-
ment of
valuation.

73.—(1) Where different species of property are insured under a single valuation, the valuation must be apportioned over the different species in proportion to their respective insurable values, as in the case of an unvalued policy. The

insured value of any part of a species is such proportion of the total insured value of the same as the insurable value of the part bears to the insurable value of the whole, ascertained in both cases as provided by this Act.

(2) Where a valuation has to be apportioned and particulars of the prime cost of each separate species, quality, or description of goods cannot be ascertained, the division of the valuation may be made over the net arrived sound values of the different species, qualities, or descriptions of goods.

74.—(1) Subject to any express provision in the policy, where the assured has paid, or is liable for, any general average contribution, the measure of indemnity is the full amount of such contribution, if the subject-matter liable to contribution is insured for its full contributory value; but, if such subject-matter be not insured for its full contributory value, or if only part of it be insured, the indemnity payable by the insurer must be reduced in proportion to the under-insurance, and where there has been a particular average loss which constitutes a deduction from the contributory value, and for which the insurer is liable, that amount must be deducted from the insured value in order to ascertain what the insurer is liable to contribute.

General average contributions and salvage charges.

(2) Where the insurer is liable for salvage charges the extent of his liability must be determined on the like principle.

75. Where the assured has effected an insurance in express terms against any liability to a third party, the measure of indemnity, subject to any express provision in the policy, is the amount paid or payable by him to such third party in respect of such liability.

Liabilities to third parties.

76.—(1) Where there has been a loss in respect of any subject-matter not expressly provided for in the foregoing provisions of this Act, the measure of indemnity shall be ascertained, as nearly as may be, in accordance with those provisions, in so far as applicable to the particular case.

General provisions as to measure of indemnity.

(2) Nothing in the provisions of this Act relating to the measure of indemnity shall affect the rules relating to double insurance, or prohibit the insurer from disproving interest wholly or in part, or from showing that at the time of the loss the whole or any part of the subject-matter insured was not at risk under the policy.

77.—(1) Where the subject-matter insured is warranted free from particular average, the assured cannot recover for a loss of part, other than a loss incurred by a general average sacrifice, unless the contract contained in the policy may be

Particular average warranties.

apportionable; but, if the contract be apportionable, the assured may recover for a total loss of any apportionable part.

(2) Where the subject-matter insured is warranted free from particular average, either wholly or under a certain percentage, the insurer is nevertheless liable for salvage charges, and for particular charges and other expenses properly incurred pursuant to the provisions of the suing and labouring clause in order to avert a loss insured against.

(3) Unless the policy otherwise provides, where the subject-matter insured is warranted free from particular average under a specified percentage, a general average loss cannot be added to a particular average loss to make up the specified percentage.

(4) For the purpose of ascertaining whether the specified percentage has been reached, regard shall be had only to the actual loss suffered by the subject-matter insured. Particular charges and the expenses of and incidental to ascertaining and proving the loss must be excluded.

Successive
losses.

78.—(1) Unless the policy otherwise provides and subject to the provisions of this Act, the insurer is liable for successive losses, even though the total amount of such losses may exceed the sum insured.

(2) Where, under the same policy, a partial loss which has not been repaired or otherwise made good is followed by a total loss, the assured can only recover in respect of the total loss;

Provided that nothing in this section shall affect the liability of the insurer under the suing and labouring clause.

Suing and
labouring
clause.

79.—(1) Where the policy contains a suing and labouring clause, the engagement thereby entered into is deemed to be supplementary to the contract of insurance, and the assured may recover from the insurer any expenses properly incurred pursuant to the clause, notwithstanding that the insurer may have paid for a total loss, or that the subject-matter may have been warranted free from particular average, either wholly or under a certain percentage.

(2) General average losses and contributions and salvage charges as defined by this Act are not recoverable under the suing and labouring clause.

(3) Expenses incurred for the purpose of averting or diminishing any loss not covered by the policy are not recoverable under the suing and labouring clause.

(4) It is the duty of the assured and his agents in all cases to take such measures as may be reasonable for the purpose of averting or minimizing a loss.

Rights of Insurer on Payment

80.—(1) Where the insurer pays for a total loss, either of the whole or, in the case of goods, of any apportionable part of the subject-matter insured, he thereupon becomes entitled to take over the interest of the assured in whatever may remain of the subject-matter so paid for, and he is thereby subrogated to all the rights and remedies of the assured in and in respect of that subject-matter as from the time of the casualty causing the loss. Right of subrogation

(2) Subject to the foregoing provisions, where the insurer pays for a partial loss, he acquires no title to the subject-matter insured, or such part of it as may remain, but he is thereupon subrogated to all rights and remedies of the assured in and in respect of the subject-matter insured as from the time of the casualty causing the loss, in so far as the assured has been indemnified, according to this Act, by such payment for the loss.

81.—(1) Where the assured is over-insured by double insurance, each insurer is bound, as between himself and the other insurers, to contribute rateably to the loss in proportion to the amount for which he is liable under his contract. Right of contribution

(2) If any insurer pays more than his proportion of the loss, he is entitled to maintain an action for contribution against the other insurers, and is entitled to the like remedies as a surety who has paid more than his proportion of the debt.

82. Where the assured is insured for an amount less than the insurable value or, in the case of a valued policy, for an amount less than the policy valuation, he is deemed to be his own insurer in respect of the uninsured balance. Effect of under-insurance.

Return of Premium

83. Where the premium, or a proportionate part thereof, is by this Act declared to be returnable,— Enforcement of return.

- (a) if already paid, it may be recovered by the assured from the insurer; and
- (b) if unpaid, it may be retained by the assured or his agent.

Return by
agreement.

84. Where the policy contains a stipulation for the return of the premium, or a proportionate part thereof, on the happening of a certain event, and that event happens, the premium, or, as the case may be, the proportionate part thereof, is thereupon returnable to the assured.

Return for
failure of
considera-
tion.

85.—(1) Where the consideration for the payment of the premium totally fails, and there has been no fraud or illegality on the part of the assured or his agents, the premium is thereupon returnable to the assured.

(2) Where the consideration for the payment of the premium is apportionable and there is a total failure of any apportionable part of the consideration, a proportionate part of the premium is, under the like conditions, thereupon returnable to the assured.

(3) In particular,—

- (a) where the policy is void, or is avoided by the insurer as from the commencement of the risk, the premium is returnable, provided that there has been no fraud or illegality on the part of the assured; but if the risk is not apportionable, and has once attached, the premium is not returnable;
- (b) where the subject-matter insured, or part thereof, has never been imperilled, the premium, or, as the case may be, a proportionate part thereof, is returnable;

Provided that where the subject-matter has been insured "lost or not lost" and has arrived in safety at the time when the contract is concluded, the premium is not returnable unless at such time the insurer knew of the safe arrival;

- (c) where the assured has no insurable interest throughout the currency of the risk, the premium is returnable, provided that this rule does not apply to a policy effected by way of gaming or wagering;
- (d) where the assured has a defeasible interest which is terminated during the currency of the risk, the premium is not returnable;
- (e) where the assured has over-insured under an unvalued policy, a proportionate part of the premium is returnable;
- (f) subject to the foregoing provisions, where the assured has over-insured by double insurance, a proportionate part of the several premiums is returnable;

Provided that, if the policies are effected at different times, and any earlier policy has at any time borne the entire risk, or if a claim has been paid on the policy in respect of the full sum insured thereby, no premium is returnable in respect of that policy, and when the double insurance is effected knowingly by the assured no premium is returnable.

Mutual Insurance

86.—(1) Where two or more persons mutually agree to insure each other against marine losses there is said to be a mutual insurance. Modification of Act in case of mutual insurance.

(2) The provisions of this Act relating to the premium do not apply to mutual insurance, but a guarantee, or such other arrangement as may be agreed upon, may be substituted for the premium.

(3) The provisions of this Act, in so far as they may be modified by the agreement of the parties, may in the case of mutual insurance be modified by the terms of the policies issued by the association or by the rules and regulations of the association.

(4) Subject to the exceptions mentioned in this section, the provisions of this Act apply to a mutual insurance.

Supplemental

87. Where a contract of marine insurance is in good faith effected by one person on behalf of another, the person on whose behalf it is effected may ratify the contract even after he is aware of a loss. Ratification by assured.

88.—(1) Where any right, duty, or liability would arise under a contract of marine insurance by implication of law, it may be negatived or varied by express agreement, or by usage, if the usage be such as to bind both parties to the contract. Implied obligations, varied by agreement or usage.

(2) The provisions of this section extend to any right, duty, or liability declared by this Act which may be lawfully modified by agreement.

89. Where by this Act any reference is made to reasonable time, reasonable premium, or reasonable diligence, the question what is reasonable is a question of fact. Reasonable time, etc., a question of fact.

90. The rules of the common law, including the law merchant, save in so far as they are inconsistent with the express provisions of this Act, shall continue to apply to contracts of marine insurance. Rules of common law saved.

91. This Act may be cited as *The Marine Insurance Act, 1946*. Short title.

SCHEDULE.

(Section 31.)

FORM OF POLICY

Be it known that _____ as well in _____ own name as for and in the name and names of all and every other person or persons to whom the same doth, may, or shall appertain, in part or in all doth make assurance and cause _____ and them, and every of them, to be insured lost or not lost, at and from _____. Upon any kind of goods and merchandises, and also upon the body, tackle, apparel, ordnance, munition, artillery, boat, and other furniture, of and in the good ship or vessel called the _____ whereof is master under God, for this present voyage, _____ or whosoever else shall go for master in the said ship, or by whatsoever other name or names the said ship, or the master thereof, is or shall be named or called; beginning the adventure upon the said goods and merchandises from the loading thereof aboard the said ship, _____ upon the said ship, etc., _____ and so shall continue and endure, during her abode there, upon the said ship, etc. And further, until the said ship, with all her ordnance, tackle, apparel, etc., and goods and merchandises whatsoever shall be arrived at _____ upon the said ship, etc., until she hath moored at anchor twenty-four hours in good safety; and upon the goods and merchandises, until the same be there discharged and safely landed. And it shall be lawful for the said ship, etc., in this voyage, to proceed and sail to and touch and stay at any ports or places whatsoever _____ Without prejudice to this insurance. The said ship, etc., goods and merchandises, etc., for so much as concerns the assured by agreement between the assured and assurers in this policy, are and shall be valued at _____.

Touching the adventures and perils which we, the assurers, are contented to bear and do take upon us in this voyage: they are of the seas, men-of-war, fire, enemies, pirates, rovers, thieves, jettisons; letters of mart and countermart, surprisals, takings at sea, arrests, restraints and, detainerments of all kings, princes, and people, of what nation, condition, or quality soever, barratry of the master and mariners, and of all other perils, losses, and misfortunes, that have or shall come to the hurt, detriment, or damage of the said goods and merchandises, and ship, etc., or any part thereof. And in case of any loss or misfortune it shall be lawful to the assured, their factors, servants, and assigns, to sue, labour, and travel for, in and about the defence, safeguards, and recovery of the said goods and merchandises, and ship, etc., or any part thereof, without prejudice to this insurance; to the charges whereof we, the assurers, will contribute each one according to the rate and quantity of his sum herein assured. And it is especially declared and agreed that no acts of the insurer or insured in recovering, saving, or preserving the property insured shall be considered as a waiver, or acceptance of abandonment. And it is agreed by us, the insurers, that this writing or policy of assurance shall be of as much force and effect as the surest writing or policy of assurance heretofore made in Lombard Street, or in the Royal Exchange, or elsewhere in London. And so we, the assurers, are contented, and do hereby promise and bind ourselves, each one for his own part, our heirs, executors, and goods to the assured, their executors, administrators, and assigns, for the true performance of the premises, confessing ourselves paid the consideration due unto us for this assurance by the assured, at and after the rate of _____.

In witness whereof we, the assurers, have subscribed our names and sums assured in _____.

N.B.—Corn, fish, salt, fruit, flour, and seed are warranted free from average, unless general, or the ship be stranded; sugar, tobacco, hemp, flax, hides and skins are warranted free from average, under five pounds per centum; and all other goods, also the ship and freight, are warranted _____.

(Sue and labour clause.)

(Waiver clause.)

(Memorandum.)

free from average, under three pounds per centum, unless general, or the ship be stranded.

Rules for Construction of Policy.

The following are the rules referred to by this Act for the construction of a policy in the above or other like form, where the context does not otherwise require:

1. Where the subject-matter is insured "lost or not lost" and the ^{Lost or} loss has occurred before the contract is concluded, the risk attaches, unless ^{not lost.} at such time the assured was aware of the loss, and the insurer was not.
2. Where the subject-matter is insured "from" a particular place, the ^{From.} risk does not attach until the ship starts on the voyage insured.
3. (a) Where a ship is insured "at and from" a particular place, and ^{At and from.} she is at that place in good safety when the contract is concluded, the risk attaches immediately.
- (b) If she be not at that place when the contract is concluded, the ^(Ship.) risk attaches as soon as she arrives there in good safety, and, unless the policy otherwise provides, it is immaterial that she is covered by another policy for a specified time after arrival.
- (c) Where chartered freight is insured "at and from" a particular ^(Freight.) place, and the ship is at that place in good safety when the contract is concluded, the risk attaches immediately. If she be not there when the contract is concluded, the risk attaches as soon as she arrives there in good safety.
- (d) Where freight, other than chartered freight, is payable without special conditions and is insured "at and from" a particular place, the risk attaches pro rata as the goods or merchandise are shipped; provided that if there be cargo in readiness which belongs to the ship-owner, or which some other person has contracted with him to ship, the risk attaches as soon as the ship is ready to receive such cargo.
4. Where goods or other movables are insured "from the loading ^{From the} thereof," the risk does not attach until such goods or movables are actually loading on board, and the insurer is not liable for them while in transit from the ^{thereof.} shore to the ship.
5. Where the risk on goods or other movables continues until they are ^{Safely} "safely landed," they must be landed in the customary manner and within ^{landed.} a reasonable time after arrival at the port of discharge, and if they are not so landed the risk ceases.
6. In the absence of any further licence or usage, the liberty to touch ^{Touch and} and stay "at any port or place whatsoever" does not authorize the ship ^{stay.} to depart from the course of her voyage from the port of departure to the port of destination.
7. The term "perils of the seas" refers only to fortuitous accidents ^{Perils of} or casualties of the seas. It does not include the ordinary action of the ^{the seas.} winds and waves.
8. The term "pirates" includes passengers who mutiny and rioters who ^{Pirates.} attack the ship from the shore.
9. The term "thieves" does not cover clandestine theft or a theft ^{Thieves.} committed by any one of the ship's company, whether crew or passengers.
10. The term "arrests, etc., of kings, princes, and people" refers to ^{Restraint of} political or executive acts, and does not include a loss caused by riot or ^{princes.} by ordinary judicial process.
11. The term "barratry" includes every wrongful act wilfully com- ^{Barratry.} mitted by the master or crew to the prejudice of the owner, or, as the case may be, the charterer.

All other
perils.

12. The term "all other perils" includes only perils similar in kind to the perils specifically mentioned in the policy.

Average
unless
general.

13. The term "average unless general" means a partial loss of the subject-matter insured other than a general average loss, and does not include "particular charges."

Stranded.

14. Where the ship has stranded, the insurer is liable for the excepted losses, although the loss is not attributable to the stranding, provided that when the stranding takes place the risk has attached and, if the policy be on goods, that the damaged goods are on board.

Ship.

15. The term "ship" includes the hull, materials and outfit, stores and provisions for the officers and crew, and, in the case of vessels engaged in a special trade, the ordinary fittings requisite for the trade, and also, in the case of a steamship, the machinery, boilers, and coals, oils, and engine stores, if owned by the assured.

Freight.

16. The term "freight" includes the profit derivable by a ship-owner from the employment of his ship to carry his own goods or movables, as well as freight payable by a third party, but does not include passage-money.

Goods.

17. The term "goods" means goods in the nature of merchandise, and does not include personal effects or provisions and stores for use on board.

In The absence of any usage to the contrary, deck cargo and living animals must be insured specifically, and not under the general denomination of goods.

BILL

An Act respecting Marine Insurance.

1st Reading

March 4th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 20th, 1946

MR. BLACKWELL

No. 51

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Cheese and Hog Subsidy Act, 1946.

MR. KENNEDY

EXPLANATORY NOTE

The effect of this Bill is to extend the provisions of *The Cheese and Hog Subsidy Act, 1941*, until the 31st day of March, 1947.

No. 51

1946

BILL

The Cheese and Hog Subsidy Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, *The Cheese and Hog Subsidy Act, 1944*, or *The Cheese and Hog Subsidy Act, 1945*, all the other provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1947. 1941, c. 11, continued in force.
1942, c. 6.
1943, c. 3.
1944, c. 8.
1945 (2nd Sess.), c. 1.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1946. Commence-
ment of Act.
3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1946*. Short title.

BILL

The Cheese and Hog Subsidy Act, 1946.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. KENNEDY

No. 51

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Cheese and Hog Subsidy Act, 1946.

MR. KENNEDY

No. 51

1946

BILL

The Cheese and Hog Subsidy Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Cheese and Hog Subsidy Act, 1941*, *The Cheese and Hog Subsidy Act, 1942*, *The Cheese and Hog Subsidy Act, 1943*, *The Cheese and Hog Subsidy Act, 1944*, or *The Cheese and Hog Subsidy Act, 1945*, all the other provisions of *The Cheese and Hog Subsidy Act, 1941*, shall continue in force and have effect until the 31st day of March, 1947. 1941, c. 11 continued in force.
1942, c. 6,
1943, c. 3,
1944, c. 8,
1945 (2nd Sess.), c. 1.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1946. Commence-
ment of Act
3. This Act may be cited as *The Cheese and Hog Subsidy Act, 1946*. Short title.

BILL

The Cheese and Hog Subsidy Act, 1946.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1946

3rd Reading

March 21st, 1946

MR. KENNEDY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Sugar Beet Subsidy Act, 1946.

MR. KENNEDY

EXPLANATORY NOTE

The effect of this Bill is to extend the provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by *The Sugar Beet Subsidy Act, 1944*, until the 31st day of March, 1947.

BILL

The Sugar Beet Subsidy Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of *The Sugar Beet Subsidy Act, 1943*, section 2 of *The Sugar Beet Subsidy Act, 1944*, or *The Sugar Beet Subsidy Act, 1945*, all the other provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of *The Sugar Beet Subsidy Act, 1944*, shall continue in force and have effect until the 31st day of March, 1947. 1943, c. 30, continued in force. 1944, c. 60, 1945 (2nd Sess.), c. 10.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1946. Commence-ment of Act
3. This Act may be cited as *The Sugar Beet Subsidy Act*, Short title. 1946.

BILL

The Sugar Beet Subsidy Act, 1946.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. KENNEDY

No. 52

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Sugar Beet Subsidy Act, 1946.

MR. KENNEDY

BILL

The Sugar Beet Subsidy Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in section 6 of 1943, c. 30, *The Sugar Beet Subsidy Act, 1943*, section 2 of *The Sugar Beet Subsidy Act, 1944*, or *The Sugar Beet Subsidy Act, 1945*, all the other provisions of *The Sugar Beet Subsidy Act, 1943*, as amended by section 1 of *The Sugar Beet Subsidy Act, 1944*, shall continue in force and have effect until the 31st day of March, 1947. continued
in force.
1944, c. 60,
1945 (2nd
Sess.), c. 10.
2. This Act shall come into force on the day upon which it receives the Royal Assent and shall have effect on and after the 1st day of April, 1946. Commence-
ment of Act
3. This Act may be cited as *The Sugar Beet Subsidy Act*, 1946. Short title.

BILL

The Sugar Beet Subsidy Act, 1946.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1946

3rd Reading

March 21st, 1946

MR. KENNEDY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Companies Act.

MR. DUNBAR

EXPLANATORY NOTE

SECTION 1. The purposes of the new subsections, which are self-explanatory, is to prevent the use of lists of shareholders as what are commonly called "sucker lists".

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 105 of *The Companies Act* is amended by adding thereto the following subsections: Rev. Stat., c. 251, s. 105, amended.

- (1a) No shareholder, creditor, agent or representative shall make or procure to be made a list of all or any of the shareholders of a company unless he has filed with the company or its agent, an affidavit by such shareholder or creditor that such list is required only for purposes connected with such company and will be used for such purposes only and where the shareholder or creditor is a corporation, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of such corporation. List of share-holders.
- (1b) Any person other than a company or its agent who uses a list of all or any of the shareholders of such company for the purpose of delivering or sending to all or any of such shareholders advertising or other printed matter relating to shares, bonds, debentures or other securities other than the shares, bonds, debentures or other securities of such company, shall be guilty of an offence and liable to a penalty not exceeding \$1,000 and in default of payment to a term of imprisonment not exceeding six months. Penalty for unauthorized use of list.
- (1c) Any person who offers for sale or sells or purchases or otherwise traffics in a list or copy of a list of all or any of the shareholders of any company shall be guilty of an offence and liable to a penalty not exceeding \$1,000 and in default of payment, to a term of imprisonment not exceeding six months. Penalty for selling or purchasing list.

2. This Act may be cited as *The Companies Amendment Act, 1946*. Short title.

BILL

An Act to amend The Companies Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

No. 53

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Companies Act.

MR. DUNBAR

(Reprinted as amended in Committee of the Whole House.)

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

SECTION 1. The purposes of the new subsections, which are self-explanatory, is to prevent the use of lists of shareholders as what are commonly called "sucker lists".

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 105 of *The Companies Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 251, s. 105,
amended.

(1a) No shareholder or creditor or his agent or representative shall make or procure to be made a list of all or any of the shareholders of a company unless he has filed with the company or its agent, an affidavit of such shareholder or creditor (Form 6) that such list is required only for purposes connected with such company and will be used for such purposes only and where the shareholder or creditor is a corporation, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of such corporation.

List of
share-
holders.

(1b) Any person other than a company or its agent who uses a list of all or any of the shareholders of such company for the purpose of delivering or sending to all or any of such shareholders advertising or other printed matter relating to shares, bonds, debentures or other securities other than the shares, bonds, debentures or other securities of such company, or for purposes not connected with the company, shall be guilty of an offence and liable to a penalty not exceeding \$1,000 and in default of payment to a term of imprisonment not exceeding six months.

Penalty for
unauthorized
use of list.


(1c) Purposes connected with the company shall be deemed to include any effort to influence the voting of shareholders at a special or general meeting of the company or the acquisition or offering of shares for the purpose of acquiring control or effecting an amalgamation or reorganization or for any other purpose approved in any case by the Provincial Secretary under his hand.

Definition.

Penalty for
selling or
purchasing
list.

- (1d) Any person who offers for sale or sells or purchases or otherwise traffics in a list or copy of a list of all or any of the shareholders of any company shall be guilty of an offence and liable to a penalty not exceeding \$1,000 and in default of payment, to a term of imprisonment not exceeding six months.

Rev. Stat.,
c. 251,
amended.

 2. *The Companies Act* is amended by adding thereto the following Form:

FORM 6.

Form of Affidavit.

Province of Ontario
County of

In the matter of
(Here insert name of company)

I,, of the of
in the of
make oath and say:

1. That I am a shareholder (or creditor) of the above named company.

(Where the shareholder or credit is a corporation,
indicate office and authority of deponent in para-
graph 1.)

2. That I am making application to make a list of the shareholders of the above-named company.

3. That I require the list of shareholders only for purposes connected with the said company.

4. That the said list of shareholders and the information contained therein will be used only for purposes connected with the said company.

Sworn before me at the }
of, in the }
of, this }
day of, 1946. }

A Commissioner, etc. 

Short title.

3. This Act may be cited as *The Companies Amendment Act, 1946*.



BILL

An Act to amend The Companies Act.

1st Reading

March 4th, 1946

2nd Reading

April 3rd, 1946

3rd Reading

MR. DUNBAR

*(Reprinted as amended in Committee of the
Whole House.)*

No. 53

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Companies Act.

MR. DUNBAR

BILL

An Act to amend The Companies Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 105 of *The Companies Act* is amended by adding thereto the following subsections: Rev. Stat., c. 251, s. 105, amended.

- (1a) No shareholder or creditor or his agent or representative shall make or procure to be made a list of all or any of the shareholders of a company unless he has filed with the company or its agent, an affidavit of such shareholder or creditor (Form 6) that such list is required only for purposes connected with such company and will be used for such purposes only and where the shareholder or creditor is a corporation, the affidavit shall be made by the president or other officer authorized by resolution of the board of directors of such corporation. List of share-holders.
- (1b) Any person other than a company or its agent who uses a list of all or any of the shareholders of such company for the purpose of delivering or sending to all or any of such shareholders advertising or other printed matter relating to shares, bonds, debentures or other securities other than the shares, bonds, debentures or other securities of such company, or for purposes not connected with the company, shall be guilty of an offence and liable to a penalty not exceeding \$1,000 and in default of payment to a term of imprisonment not exceeding six months. Penalty for unauthorized use of list.
- (1c) Purposes connected with the company shall be deemed to include any effort to influence the voting of shareholders at a special or general meeting of the company or the acquisition or offering of shares for the purpose of acquiring control or effecting an amalgamation or reorganization or for any other purpose approved in any case by the Provincial Secretary under his hand. Definition.

Penalty for
selling or
purchasing
list.

(1d) Any person who offers for sale or sells or purchases or otherwise traffics in a list or copy of a list of all or any of the shareholders of any company shall be guilty of an offence and liable to a penalty not exceeding \$1,000 and in default of payment, to a term of imprisonment not exceeding six months.

Rev. Stat.,
c. 251,
amended.

2. *The Companies Act* is amended by adding thereto the following Form:

FORM 6.

Form of Affidavit.

Province of Ontario
County of

In the matter of
(Here insert name of company)

I,....., of the.....of.....,
in the.....of.....,
make oath and say:

1. That I am a shareholder (or creditor) of the above named company.

*(Where the shareholder or credit is a corporation,
indicate office and authority of deponent in para-
graph 1.)*

2. That I am making application to make a list of the shareholders of the above-named company.

3. That I require the list of shareholders only for purposes connected with the said company.

4. That the said list of shareholders and the information contained therein will be used only for purposes connected with the said company.

Sworn before me at the..... }
of....., in the..... }
of....., this..... }
day of....., 1946. }

A Commissioner, etc.

Short title.

3. This Act may be cited as *The Companies Amendment Act, 1946*.

BILL

An Act to amend The Companies Act.

1st Reading

March 4th, 1946

2nd Reading

April 3rd, 1946

3rd Reading

April 5th, 1946

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Ontario Municipal Board Act.

MR. DUNBAR

EXPLANATORY NOTE

The intent and scope of the provision are clarified.

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 70 of *The Ontario Municipal Board Act*, as amended by section 3 of *The Ontario Municipal Board Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 60, s. 70, subs. 1, re-enacted.

(1) Notwithstanding the provisions of any general or special Act, a municipality shall not,— Where approval of Board required for undertaking, etc.

(a) authorize;

(b) exercise any of its powers to proceed with; or

(c) provide any moneys for,

any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is to be,—

(a) raised in a subsequent year or years; or

(b) provided by the issue of debentures,

until the approval of the Board has first been obtained.

2. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1946*. Short title.

Bill

An Act to amend The Ontario Municipal Board Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

No. 54

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Ontario Municipal Board Act.

MR. DUNBAR

BILL

An Act to amend The Ontario Municipal Board Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 70 of *The Ontario Municipal Board Act*, as amended by section 3 of *The Ontario Municipal Board Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 60, s. 70, subs. 1, re-enacted.

(1) Notwithstanding the provisions of any general or special Act, a municipality shall not,— Where approval of Board required for undertaking, etc.

(a) authorize;

(b) exercise any of its powers to proceed with; or

(c) provide any moneys for,

any undertaking, work, project, scheme, act, matter or thing, the cost or any portion of the cost of which is to be,—

(a) raised in a subsequent year or years; or

(b) provided by the issue of debentures,

until the approval of the Board has first been obtained.

2. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1946*. Short title.

Bill

An Act to amend The Ontario Municipal
Board Act.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1946

3rd Reading

March 11th, 1946

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Damage by Fumes Arbitration Act.

MR. FROST

EXPLANATORY NOTES

SECTION 1. Section 3 of the Act sets out the procedure to be followed in arbitrations. The effect of this amendment is to make the following of this procedure a condition precedent to the making of an award. The second amendment merely corrects a typographical error.

SECTION 2. This addition to section 3 provides the rules of evidence on an arbitration and prescribes the material which is to form the record. The record is now essential as it provides the material on which the appeal provided for in section 4 of the Bill is based.

SECTION 3. Formerly the award of an arbitrator was final. As an appeal is now provided for, it is necessary to make section 4 of the Act subject to the provisions regarding the appeal.

BILL

An Act to amend The Damage by Fumes Arbitration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Damage by Fumes Arbitration Act* as amended by section 2 of *The Damage by Fumes Arbitration Amendment Act, 1938*, is further amended by adding at the commencement thereof the words "Subject to section 3" and by striking out the word "nickle-copper" in the second line and inserting in lieu thereof the word "nickel-copper", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 51, s. 2,
subs. 1,
amended.

- (1) Subject to section 3 where damage is occasioned by sulphur fumes arising from the smelting or roasting of nickel-copper ore or iron ore mined in Ontario, to crops, trees or other vegetation directly or indirectly, such damage may be determined by the arbitrator so appointed who shall have exclusive jurisdiction to determine the amount of such damage and to make an award.

Where
crops, etc.,
damaged by
sulphur
fumes.

2. Section 3 of *The Damage by Fumes Arbitration Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 51, s. 3,
amended.

- (3a) The arbitrator shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the arbitrator shall form the record.

Evidence.

3. Section 4 of *The Damage by Fumes Arbitration Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 51, s. 4,
re-enacted.

4. Subject to section 4a the award of the arbitrator shall be final and binding upon the parties and shall not be questioned, reviewed, restrained or removed by prohibition, injunction, *certiorari* or other process or

Effect of
award.

proceeding in any court and on being filed in the office of the clerk of the county or district court such award shall, for the purpose of issuing execution thereon, have the same force and effect as a judgment of the said court.

Rev. Stat.,
c. 51,
amended.

4. *The Damage by Fumes Arbitration Act* is amended by adding thereto the following section:

Appeal.

4a.—(1) The person aggrieved or person, company or corporation offending, may appeal from the award of the arbitrator to the Ontario Municipal Board by serving or sending by prepaid mail notice in writing of such appeal to the arbitrator and to the person aggrieved, or the person, company or corporation offending, as the case may be, within twenty days of the making of the award as provided in subsection 3 of section 3.

Form of
notice.

(2) The notice shall set forth the grounds on which the appeal is made and shall have endorsed thereon the address at which the appellant may be served with any notice or process.

Summons to
attend;
dismissal of
appeal.

(3) Within thirty days from the service of the notice of the appeal the Ontario Municipal Board shall, upon the application of any appellant, grant a summons calling upon all parties to attend before it on the day and hour named therein when the hearing of the appeal will be proceeded with and if no such application is made within such thirty days, the Board upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs.

Appeal on
record.

(4) The appeal shall be heard and determined upon the record had and taken before the arbitrator and the Ontario Municipal Board may upon such hearing, make such order as it may deem fit affirming, reversing or amending the award appealed from and the award as affirmed, reversed or amended, or the order of the Board, as the case may be, shall have the same force and effect and may be enforced in the manner prescribed in section 4.

Finality
of order.

(5) The order of the Ontario Municipal Board shall be final and binding upon all parties and not subject to appeal.

General
powers.

(6) The Ontario Municipal Board shall have the same powers to,

SECTION 4. This section provides for an appeal from the award of the arbitrator to the Ontario Municipal Board, and sets out the procedure to be followed on the appeal.

SECTION 5. The amendment, which is self-explanatory, is made necessary by increased administration costs.

- (a) fix and collect fees;
- (b) fix and order the payment of costs; and
- (c) prescribe rules of practice and procedure,

with respect to appeals and proceedings under this Act as it has under *The Ontario Municipal Board Act*. Rev. Stat., c. 60.

5. Subsection 1 of section 5 of *The Damage by Fumes Arbitration Act* as amended by subsection 1 of section 3 of *The Damage by Fumes Arbitration Amendment Act, 1938*, is further amended by striking out the symbol and figures "\$5,000" in the first line and inserting in lieu thereof the symbol and figures "\$10,000", so that the said subsection shall now read as follows: Rev. Stat., c. 51, s. 5, subs. 1, amended.

- (1) A sum not exceeding \$10,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore mined in Ontario. Expenses,—now repayable to Province.

6. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1946*. Short title.

BILL

An Act to amend The Damage by
Fumes Arbitration Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. FROST

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Damage by Fumes Arbitration Act.

MR. FROST

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1. Section 3 of the Act sets out the procedure to be followed in arbitrations. The effect of this amendment is to make the following of this procedure a condition precedent to the making of an award. The second amendment merely corrects a typographical error.

SECTION 2. This addition to section 3 provides the rules of evidence on an arbitration and prescribes the material which is to form the record. The record is now essential as it provides the material on which the appeal provided for in section 4 of the Bill is based.

SECTION 3. Formerly the award of an arbitrator was final. As an appeal is now provided for, it is necessary to make section 4 of the Act subject to the provisions regarding the appeal.

BILL

An Act to amend The Damage by Fumes Arbitration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Damage by Fumes Arbitration Act* as amended by section 2 of *The Damage by Fumes Arbitration Amendment Act, 1938*, is repealed and the following substituted therefor: Rev. Stat., c. 51, s. 2, subs. 1, re-enacted.

- (1) Subject to section 3 where damage is occasioned by sulphur fumes arising from the smelting or roasting of nickel-copper ore or iron ore, to crops, trees or other vegetation directly or indirectly, such damage may be determined by the arbitrator so appointed who shall have exclusive jurisdiction to determine the amount of such damage and to make an award. Where crops, etc., damaged by sulphur fumes.

2. Section 3 of *The Damage by Fumes Arbitration Act* is amended by adding thereto the following subsection: Rev. Stat., c. 51, s. 3, amended.

- (3a) The arbitrator shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the arbitrator shall form the record. Evidence.

3. Section 4 of *The Damage by Fumes Arbitration Act* is repealed and the following substituted therefor: Rev. Stat., c. 51, s. 4, re-enacted.

4. Subject to section 4a the award of the arbitrator shall be final and binding upon the parties and shall not be questioned, reviewed, restrained or removed by prohibition, injunction, *certiorari* or other process or Effect of award.

proceeding in any court and on being filed in the office of the clerk of the county or district court such award shall, for the purpose of issuing execution thereon, have the same force and effect as a judgment of the said court.

Rev. Stat.,
c. 51,
amended.

4. *The Damage by Fumes Arbitration Act* is amended by adding thereto the following section:

Appeal.

4a.—(1) The person aggrieved or person, company or corporation offending, may appeal from the award of the arbitrator to the Ontario Municipal Board by serving or sending by prepaid mail notice in writing of such appeal to the arbitrator and to the person aggrieved, or the person, company or corporation offending, as the case may be, within twenty days of the making of the award as provided in subsection 3 of section 3.

Form of
notice.

(2) The notice shall set forth the grounds on which the appeal is made and shall have endorsed thereon the address at which the appellant may be served with any notice or process.

Summons to
attend;
dismissal of
appeal.

(3) Within thirty days from the service of the notice of the appeal the Ontario Municipal Board shall, upon the application of any appellant, grant a summons calling upon all parties to attend before it on the day and hour named therein when the hearing of the appeal will be proceeded with and if no such application is made within such thirty days, the Board upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs.

Appeal on
record.

(4) The appeal shall be heard and determined upon the record had and taken before the arbitrator and the Ontario Municipal Board may upon such hearing, make such order as it may deem fit affirming, reversing or amending the award appealed from and the award as affirmed, reversed or amended, or the order of the Board, as the case may be, shall have the same force and effect and may be enforced in the manner prescribed in section 4.

Finality
of order.

(5) The order of the Ontario Municipal Board shall be final and binding upon all parties and not subject to appeal.

General
powers.

(6) The Ontario Municipal Board shall have the same powers to,

SECTION 4. This section provides for an appeal from the award of the arbitrator to the Ontario Municipal Board, and sets out the procedure to be followed on the appeal.

SECTION 5. The amendment, which is self-explanatory, is made necessary by increased administration costs.

- (a) fix and collect fees;
- (b) fix and order the payment of costs; and
- (c) prescribe rules of practice and procedure,

with respect to appeals and proceedings under this Act as it has under *The Ontario Municipal Board Act*. Rev. Stat., c. 60.

5. Section 5 of *The Damage by Fumes Arbitration Act*, Rev. Stat., c. 51, s. 5, re-enacted. as amended by section 3 of *The Damage by Fumes Arbitration Amendment Act, 1938*, is repealed and the following substituted therefor:

5.—(1) A sum not exceeding \$10,000 in any year to cover the expenses of administering this Act, including the salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore. Expenses,—how repayable to Province.

(2) The arbitrator at the close of each calendar year, shall assess and apportion the amount for which each company smelting or roasting nickel-copper ore or iron ore is liable under subsection 1, among such companies and the amount assessed against each company shall be payable to the Treasurer of Ontario within fifteen days after the mailing of a registered letter demanding payment thereof to the last known address of the company, but every assessment so made shall be subject to the approval of the Minister of Mines. Arbitrator to assess companies liable.

6. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1946*. Short title.

BILL

An Act to amend The Damage by
Fumes Arbitration Act.

1st Reading

March 4th, 1946

2nd Reading

March 8th, 1946

3rd Reading

MR. FROST

(*Reprinted as amended in Committee of the
Whole House.*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Damage by Fumes Arbitration Act.

MR. FROST

BILL

An Act to amend The Damage by Fumes Arbitration Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Damage by Fumes Arbitration Act* as amended by section 2 of *The Damage by Fumes Arbitration Amendment Act, 1938*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 51, s. 2,
subs. 1,
re-enacted.

- (1) Subject to section 3 where damage is occasioned by sulphur fumes arising from the smelting or roasting of nickel-copper ore or iron ore, to crops, trees or other vegetation directly or indirectly, such damage may be determined by the arbitrator so appointed who shall have exclusive jurisdiction to determine the amount of such damage and to make an award.

Where crops
etc.,
damaged by
sulphur
fumes.

2. Section 3 of *The Damage by Fumes Arbitration Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 51, s. 3,
amended.

- (3a) The arbitrator shall not be bound by the technical rules of evidence and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the arbitrator shall form the record.

Evidence.

3. Section 4 of *The Damage by Fumes Arbitration Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 51, s. 4,
re-enacted.

4. Subject to section 4a the award of the arbitrator shall be final and binding upon the parties and shall not be questioned, reviewed, restrained or removed by prohibition, injunction, *certiorari* or other process or

Effect of
award.

proceeding in any court and on being filed in the office of the clerk of the county or district court such award shall, for the purpose of issuing execution thereon, have the same force and effect as a judgment of the said court.

Rev. Stat.,
c. 51,
amended.

4. *The Damage by Fumes Arbitration Act* is amended by adding thereto the following section:

Appeal.

4a.—(1) The person aggrieved or person, company or corporation offending, may appeal from the award of the arbitrator to the Ontario Municipal Board by serving or sending by prepaid mail notice in writing of such appeal to the arbitrator and to the person aggrieved, or the person, company or corporation offending, as the case may be, within twenty days of the making of the award as provided in subsection 3 of section 3.

Form of
notice.

(2) The notice shall set forth the grounds on which the appeal is made and shall have endorsed thereon the address at which the appellant may be served with any notice or process.

Summons to
attend;
dismissal of
appeal.

(3) Within thirty days from the service of the notice of the appeal the Ontario Municipal Board shall, upon the application of any appellant, grant a summons calling upon all parties to attend before it on the day and hour named therein when the hearing of the appeal will be proceeded with and if no such application is made within such thirty days, the Board upon proof of the failure to make such application, shall order that the appeal be forthwith dismissed with costs.

Appeal on
record.

(4) The appeal shall be heard and determined upon the record had and taken before the arbitrator and the Ontario Municipal Board may upon such hearing, make such order as it may deem fit affirming, reversing or amending the award appealed from and the award as affirmed, reversed or amended, or the order of the Board, as the case may be, shall have the same force and effect and may be enforced in the manner prescribed in section 4.

Finality
of order.

(5) The order of the Ontario Municipal Board shall be final and binding upon all parties and not subject to appeal.

General
powers.

(6) The Ontario Municipal Board shall have the same powers to,

- (a) fix and collect fees;
- (b) fix and order the payment of costs; and
- (c) prescribe rules of practice and procedure,

with respect to appeals and proceedings under this Act as it has under *The Ontario Municipal Board Act*, Rev. Stat., c. 60.

5. Section 5 of *The Damage by Fumes Arbitration Act*, Rev. Stat., c. 51, s. 5, re-enacted. as amended by section 3 of *The Damage by Fumes Arbitration Amendment Act, 1938*, is repealed and the following substituted therefor:

5.—(1) A sum not exceeding \$10,000 in any year to cover Expenses,—the expenses of administering this Act, including the how repay-able to Province. salary or other remuneration of the arbitrator, shall be payable annually to the Province by the company or companies smelting or roasting nickel-copper ore or iron ore.

(2) The arbitrator at the close of each calendar year, shall assess and apportion the amount for which each Arbitrator to assess companies liable. company smelting or roasting nickel-copper ore or iron ore is liable under subsection 1, among such companies and the amount assessed against each company shall be payable to the Treasurer of Ontario within fifteen days after the mailing of a registered letter demanding payment thereof to the last known address of the company, but every assessment so made shall be subject to the approval of the Minister of Mines.

6. This Act may be cited as *The Damage by Fumes Arbitration Amendment Act, 1946*. Short title.



BILL

An Act to amend The Damage by
Fumes Arbitration Act.

1st Reading

March 4th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 21st, 1946

Mr. Frost

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Coroners Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTE

The proposed amendment extends the provisions of subsection 1 of section 7a of *The Coroners Act* to the Provisional County of Haliburton.

BILL

An Act to amend The Coroners Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7a of *The Coroners Act* as enacted by section 2 of *The Coroners Amendment Act, 1939*, is amended by inserting after the word "district" in the second line the words "or a provisional county", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 138, s. 7a,
subs. 1
(1939,
c. 9, s. 2),
amended.

- (1) In the case of a death occurring in a provisional judicial district or a provisional county at a place which, having regard to the distances involved or to transportation facilities or other circumstances, is difficult or inconvenient for a coroner to reach, a coroner who has issued his warrant to take possession of the body may authorize and direct a duly qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further inquiry as may be required to determine whether or not an inquest is necessary and to report to him.

Where death
occurs in
inaccessible
district.

2. This Act may be cited as *The Coroners Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Coroners Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL.

No. 56

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Coroners Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Coroners Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 7a of *The Coroners Act* as enacted by section 2 of *The Coroners Amendment Act, 1939*, is amended by inserting after the word "district" in the second line the words "or a provisional county", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 138, s. 7a,
subs. 1
(1939,
c. 9, s. 2),
amended.

- (1) In the case of a death occurring in a provisional judicial district or a provisional county at a place which, having regard to the distances involved or to transportation facilities or other circumstances, is difficult or inconvenient for a coroner to reach, a coroner who has issued his warrant to take possession of the body may authorize and direct a duly qualified medical practitioner, magistrate or member of the Ontario Provincial Police Force to take possession of the body, view the body and make such further inquiry as may be required to determine whether or not an inquest is necessary and to report to him.

Where death
occurs in
inaccessible
district.

2. This Act may be cited as *The Coroners Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Coroners Act.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1946

3rd Reading

March 11th, 1946

MR. BLACKWELL.

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

EXPLANATORY NOTES

SECTION 1. Corrects a typographical error.

SECTION 2. This amendment is complementary to Bill No. 50
An Act respecting Marine Insurance.

SECTION 3. For clarity "will" is defined to include a codicil.

No. 57

1946

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 76 of *The Insurance Act* is amended by striking out the word "and" in the fifth line and inserting in lieu thereof the word "or", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 256, s. 76,
subs. 1,
amended.

- (1) Except in the case of a fraternal society a licensed insurer may acquire and hold absolutely for its own use and benefit such real property as is necessary for the transaction of its business or *bona fide* mortgaged to it by way of security, and such real property as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same, but such insurer shall sell any such last mentioned real property within seven years after it has been so acquired.

Power of
insurers
as to hold-
ing land.

2. Section 85 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 85,
re-enacted.

85. Except where otherwise provided and where not inconsistent with other provisions of this Act, the provisions of this Part shall apply to every contract of insurance made in Ontario other than contracts of,

Application.

- (a) accident and sickness insurance;
- (b) life insurance; and
- (c) marine insurance.

3. Section 128 of *The Insurance Act* is amended by adding thereto the following paragraph:

Rev. Stat.,
c. 256, s. 128,
amended.

19. "Will" includes a codicil.

"Will",
defined.

Rev. Stat.,
c. 256, s. 153,
subs. 2,
re-enacted.

4. Subsection 2 of section 153 of *The Insurance Act* is repealed and the following substituted therefor:

Payment of
insurance
money.

- (2) Subject to subsection 1, a beneficiary or a trustee appointed pursuant to section 177 may, at the maturity of the contract, enforce for his own benefit or as such trustee the payment of insurance money appointed, appropriated or apportioned to him by the contract or a declaration and in accordance with the terms thereof, but the insurer shall be entitled to set up any defence which it could have set up against the insured or his personal representatives; and payment made to the beneficiary or trustee shall discharge the insurer.

Effect of
declaration.

- (2a) A declaration, whether contained in a will or other instrument in writing, shall, subject to subsection 1, have effect from the time of its execution, but a declaration shall not affect the interest or rights of a beneficiary for value or assignee for value unless the declaration has been filed with the insurer at its head or principal office in Canada prior to the time when the beneficiary for value or assignee for value acquired such interest or rights and if not so filed the interest or rights of the beneficiary for value or assignee for value shall be as if the declaration had not been made.

Declaration
in will.

- (2b) In the case of a declaration contained in a will it shall be sufficient for the purposes of subsection 2a to file a copy thereof or of the material part thereof verified by statutory declaration.

Rev. Stat.,
c. 256, s. 184,
amended.

5. Section 184 of *The Insurance Act* is amended by adding thereto the following subsection:

Application
of Part VI.

- (3) This Part, other than section 205, shall not apply to insurance of an automobile chiefly used or operated off highways unless insured under a form of policy approved under this Part.

Rev. Stat.,
c. 256, s. 201,
amended.

6. Section 201 of *The Insurance Act* is amended by striking out the word "or" at the end of clause *b*, by inserting the words "or, unless the coverage is expressly extended under section 203" between clauses *b* and *c*, by striking out the said words where they now appear between clauses *c* and *d* and by adding at the end of clause *c* the word "or", so that the said section shall now read as follows:

Exceptions
from
liability.

201. The insurer shall not be liable under an owner's policy or a driver's policy,—

SECTION 4. In view of a recent decision in the Supreme Court of Ontario this amendment which clarifies and safeguards the rights of ordinary beneficiaries is desirable.

SECTION 5. The amendment permits policies of insurance different from the usual automobile type to be written for vehicles used chiefly "off the highway" but in all such cases the absolute liability provisions will apply.

The amendments contained in sections 3, 4 and 5 of this Bill are recommended by the Conference of Superintendents of Insurance.

SECTIONS 6 and 7. Section 201 in its present form relieves the insurance company of liability under an owner's or driver's policy for loss or damage incurred under clauses *a*, *b* and *c*. The section also relieves the company from liability under clauses *d*, *e* and *f* unless the coverage is expressly extended pursuant to section 203. It is desirable to permit the coverage to be extended under a driver's policy to enable a mechanic or driver to file proof of financial responsibility where necessary under his driver's insurance. As the Act now stands, section 201 does not permit this coverage to be given, but the amendment proposed will allow the coverage to be extended to cover such a case and this involves the complementary amendment of clause *a* of section 203.

- (a) for any liability imposed by any workmen's compensation law upon the insured; or
- (b) for loss or damage resulting from bodily injury to or the death of the insured or the son, daughter, wife, husband, mother, father, brother or sister of the insured;

or, unless the coverage is expressly extended under section 203,

- (c) to any person, not the owner of the automobile, engaged in the business of an automobile garage, repair shop or service station or as an automobile dealer, for loss or damage sustained while engaged in the operation or repair of the automobile; or
- (d) for any loss or damage resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (e) for loss or damage to property carried in or upon the automobile or owned by, or in the care, custody or control of the insured; or
- (f) for loss or damage resulting from bodily injury to or the death of any employee of the insured while engaged in the operation or repair of the automobile.

7. Clause *a* of section 203 of *The Insurance Act* is amended ^{Rev. Stat., c. 256, s. 203, cl. a, amended.} by inserting after the word "clauses" in the second line the letter "*c*", so that the first four lines and clause *a* of the said section shall now read as follows:

203. The insurer may, by an endorsement on the policy ^{Extended coverage.} and in consideration of an additional stated premium, and not otherwise, extend the coverage in whole or in part in any or all of the following respects,—

- (a) in the case of an owner's policy or a driver's policy, the matters mentioned in clauses *c*, *d*, *e* and *f* of section 201; and

8. Sections 6 and 7 shall come into force on a day to be ^{Commencement of} named by the Lieutenant-Governor by his Proclamation. ^{s. 6, 7.}

9. This Act may be cited as *The Insurance Amendment Act*, 1946. ^{Short title.}

BILL

An Act to amend The Insurance Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Insurance Act.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Insurance Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 76 of *The Insurance Act* is amended by striking out the word "and" in the fifth line and inserting in lieu thereof the word "or", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 256, s. 76,
subs. 1,
amended.

(1) Except in the case of a fraternal society a licensed insurer may acquire and hold absolutely for its own use and benefit such real property as is necessary for the transaction of its business or *bona fide* mortgaged to it by way of security, and such real property as is acquired by it by foreclosure or in satisfaction of a debt, and may sell, mortgage, lease or otherwise dispose of the same, but such insurer shall sell any such last mentioned real property within seven years after it has been so acquired.

Power of
insurers
as to hold-
ing land.

2. Section 85 of *The Insurance Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 85,
re-enacted.

85. Except where otherwise provided and where not inconsistent with other provisions of this Act, the provisions of this Part shall apply to every contract of insurance made in Ontario other than contracts of,

Application.

(a) accident and sickness insurance;

(b) life insurance; and

(c) marine insurance.

3. Section 128 of *The Insurance Act* is amended by adding thereto the following paragraph:

Rev. Stat.,
c. 256, s. 128,
amended.

19. "Will" includes a codicil.

"Will",
defined.

Rev. Stat.,
c. 256, s. 153,
subs. 2,
re-enacted.

4. Subsection 2 of section 153 of *The Insurance Act* is repealed and the following substituted therefor:

Payment of
insurance
money.

- (2) Subject to subsection 1, a beneficiary or a trustee appointed pursuant to section 177 may, at the maturity of the contract, enforce for his own benefit or as such trustee the payment of insurance money appointed, appropriated or apportioned to him by the contract or a declaration and in accordance with the terms thereof, but the insurer shall be entitled to set up any defence which it could have set up against the insured or his personal representatives; and payment made to the beneficiary or trustee shall discharge the insurer.

Effect of
declaration.

- (2a) A declaration, whether contained in a will or other instrument in writing, shall, subject to subsection 1, have effect from the time of its execution, but a declaration shall not affect the interest or rights of a beneficiary for value or assignee for value unless the declaration has been filed with the insurer at its head or principal office in Canada prior to the time when the beneficiary for value or assignee for value acquired such interest or rights and if not so filed the interest or rights of the beneficiary for value or assignee for value shall be as if the declaration had not been made.

Declaration
in will.

- (2b) In the case of a declaration contained in a will it shall be sufficient for the purposes of subsection 2a to file a copy thereof or of the material part thereof verified by statutory declaration.

Rev. Stat.,
c. 256, s. 184,
amended.

5. Section 184 of *The Insurance Act* is amended by adding thereto the following subsection:

Application
of Part VI.

- (3) This Part, other than section 205, shall not apply to insurance of an automobile chiefly used or operated off highways unless insured under a form of policy approved under this Part.

Rev. Stat.,
c. 256, s. 201,
amended.

6. Section 201 of *The Insurance Act* is amended by striking out the word "or" at the end of clause *b*, by inserting the words "or, unless the coverage is expressly extended under section 203" between clauses *b* and *c*, by striking out the said words where they now appear between clauses *c* and *d* and by adding at the end of clause *c* the word "or", so that the said section shall now read as follows:

Exceptions
from
liability.

201. The insurer shall not be liable under an owner's policy or a driver's policy,—

- (a) for any liability imposed by any workmen's compensation law upon the insured; or
- (b) for loss or damage resulting from bodily injury to or the death of the insured or the son, daughter, wife, husband, mother, father, brother or sister of the insured;

or, unless the coverage is expressly extended under section 203,

- (c) to any person, not the owner of the automobile, engaged in the business of an automobile garage, repair shop or service station or as an automobile dealer, for loss or damage sustained while engaged in the operation or repair of the automobile; or
- (d) for any loss or damage resulting from bodily injury to or the death of any person being carried in or upon or entering or getting on to or alighting from the automobile; or
- (e) for loss or damage to property carried in or upon the automobile or owned by, or in the care, custody or control of the insured; or
- (f) for loss or damage resulting from bodily injury to or the death of any employee of the insured while engaged in the operation or repair of the automobile.

7. Clause *a* of section 203 of *The Insurance Act* is amended Rev. Stat., c. 256, s. 203, cl. *a*, amended. by inserting after the word "clauses" in the second line the letter "*c*", so that the first four lines and clause *a* of the said section shall now read as follows:

203. The insurer may, by an endorsement on the policy Extended coverage. and in consideration of an additional stated premium, and not otherwise, extend the coverage in whole or in part in any or all of the following respects,—

- (a) in the case of an owner's policy or a driver's policy, the matters mentioned in clauses *c*, *d*, *e* and *f* of section 201; and

8. Sections 6 and 7 shall come into force on a day to be Commencement of s. 6, 7. named by the Lieutenant-Governor by his Proclamation.

9. This Act may be cited as *The Insurance Amendment Act*, 1946. Short title.

BILL

An Act to amend The Insurance Act.

1st Reading

March 4th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 20th, 1946

MR. BLACKWELL.

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Loan and Trust Corporations Act.

MR. BLACKWELL

EXPLANATORY NOTES

SECTION 1. The present section 7 requires the par value of shares of capital stock of loan and trust companies to be not less than \$50 nor more than \$100. The amendment is in line with other legislation of a similar nature. Its effect will be to enhance marketability of the stock of loan and trust companies and make possible a wider distribution thereof.

SECTION 2—Subsection 1. The investment powers of loan companies are brought into line with those of trust companies and insurance companies. This is a practical necessity in view of the change in methods of corporate financing since the enactment of the present provisions. Corresponding provisions governing insurance companies and trust companies have already been revised in the light of modern conditions and practices.

Subsection 2. The subsections repealed extend the investment powers of loan companies beyond what is at present required and are obsolete.

SECTION 3. Clause *c* which is repealed is not workable in view of modern corporate financing practices. Its purpose is to prevent loan companies investing in securities of a company which has not paid dividends of six per centum on its capital stock for the previous three years. Its effect is to prevent investment in the securities of any company which has no par value stock. Since the original enactment of the provision financing practices have altered substantially and the practice of issuing no par value stock has become common.

SECTION 4. This provision defines the amount which may be received *on deposits* by a loan corporation. To date there has been no provision for increasing this amount. Under subsection 2 of section 50 of *The Loan and Trust Corporations Act* the *total borrowing power* of such corporations is limited, but provision is made for increasing this figure by one hundred per cent. In order to reconcile these sections for the working purposes of the corporations, it is advisable to allow an increase by Order-in-Council in the amount which may be received as deposits, while at the same time leaving unchanged the total borrowing power limitation set out in subsection 2 of section 50.

BILL

An Act to amend The Loan and Trust Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 257, s. 7, re-enacted.

7. The par value of a share of capital stock shall be any multiple of \$5 but shall not be less than \$10 nor more than \$100. Par value of share.

2.—(1) Clauses *b* and *c* of subsection 1 of section 29 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: Rev. Stat., c. 257, s. 29, subs. 1, cl. *b*, re-enacted; cl. *c*, repealed.

(*b*) any of the securities mentioned in clauses *b* to *f* of subsection 1 of section 30.

(2) Subsections 2 and 4 of the said section 29 are repealed.

Rev. Stat., c. 257, s. 29, subs. 2, 4, repealed.

3. Clause *c* of subsection 1 of section 31 of *The Loan and Trust Corporations Act* is repealed.

Rev. Stat., c. 257, s. 31, subs. 1, cl. *c*, repealed.

4. Subsection 4 of section 48 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof the words "provided that subject to the limitation set out in subsection 2 of section 50, the Lieutenant-Governor in Council may on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount of deposits which may be received by any corporation as aforesaid", so that the said subsection shall now read as follows:

Rev. Stat., c. 257, s. 48, subs. 4, amended.

(4) The amount to be received by any corporation entitled as hereinbefore provided to receive deposits shall not at any time exceed an amount equal to twice the aggregate amount of the then actually paid in and unimpaired permanent capital and of the Limit of deposits.

Proviso.

then actual reserve fund of the corporation plus the amount of its cash actually in hand or in any chartered bank to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund; provided that subject to the limitation set out in subsection 2 of section 50, the Lieutenant-Governor in Council may on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount of deposits which may be received by any corporation as aforesaid.

Rev. Stat.,
c. 257, s. 49,
amended.

5. Section 49 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

Reserves
required on
deposits.

- (2) Every loan company shall at all times maintain cash on hand and on deposit, debentures, bonds, stock or other securities of a kind referred to in subsection 1, and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the company.

Rev. Stat.,
c. 257, s. 61,
re-enacted;
s. 62,
repealed.

6. Sections 61 and 62 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Proceedings
to ratify
agreement.

61. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each such meeting the agreement or offer is ratified or accepted by resolution passed by at least a three-fourths vote of such shares as are represented in person or by proxy and representing at least fifty per centum of the issued capital stock of the corporation, that fact shall be certified upon the agreement or offer by the secretary or manager under the corporate seal.

Rev. Stat.,
c. 257,
ss. 77, 78,
79, re-
enacted.

7. Sections 77, 78 and 79 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Direction
as to dis-
position of
deposits or
debentures
on death.

77.—(1) A person who,—

- (a) has on deposit with a corporation, whether for guaranteed investment or otherwise, a sum not exceeding \$600;
- (b) is the holder of debentures issued by a corporation for a sum not exceeding \$600; or
- (c) has on deposit with a corporation a sum and holds debentures issued by the corporation, the amounts of which in the aggregate do not exceed \$600,

SECTION 5. There has been no provision assuring that a reasonable amount of liquid securities is behind all deposits. To date the regular inspection by departmental inspectors has shown that adequate provision has been made, but it is considered wise to ensure safety by the insertion of this liquidity provision.

SECTION 6. Sections 61 and 62 of *The Loan and Trust Corporations Act* provide for the affirmative vote of shareholders required to ratify an agreement for the amalgamation of two loan corporations or of two trust companies, or for the purchase and sale of assets between two loan corporations or two trust companies. The combined effect of these two sections makes the requirements uncertain and ambiguous.

The primary change involved in the amendments is to abandon the former principle of requiring two-thirds of the votes of all the shareholders representing not less than two-thirds of its paid in capital or stock. The new provision is for a three-fourths vote of such shares as are represented and representing at least fifty per cent of the issued capital stock. This change follows closely the corresponding section in the *Loan Companies Act* (Canada).

SECTION 7. Sections 77, 78 and 79 of *The Loan and Trust Corporations Act* are re-cast to remove doubt as to their application to deposits for guaranteed investment and holders of debentures. The limitation in the case of each person remains at \$600. Section 78 is widened to include cases where there is a will, it being presently restricted to cases of intestacy.

SECTION 8. The provision relates to the annual statement. The re-enacted subsection at present reads:

- (5) A copy of such statement shall be mailed or delivered without charge to every debenture holder resident in Canada and depositor of the corporation whose deposits shall exceed \$100, within thirty days after the annual meeting has been held.

In view of changed conditions since the original enactment of the provision the amendment is warranted.

may by a writing, signed by him and deposited with the corporation, nominate any person to receive the amount thereof at his death.

- (2) Subject to *The Succession Duty Act, 1939*, upon receiving an affidavit as to the death of a person who has made a nomination under subsection 1 the corporation may substitute on its books the name of the nominee in place of the name of such person or may forthwith pay to the nominee the amount due to such person. Rights of corporation. 1939 (2nd Sess.), c. 1.
78. Subject to the provisions of *The Succession Duty Act, 1939*, where a depositor or debenture holder as described in clauses *a*, *b* and *c* of section 77 dies without making a nomination in accordance with that section, the amount due may, without letters probate or letters of administration being taken out, be paid to the person who appears to the corporation to be entitled, under the will of such depositor or debenture holder or under *The Devolution of Estates Act*, in the case of an intestacy, to receive the amount, upon receiving an affidavit of the death and that the person claiming is so entitled. Where no direction. Rev. Stat., c. 163.
79. Where the corporation, after the death of a depositor or debenture holder, has paid such sum to the person who at the time appeared to be entitled thereto the payment shall be valid and effectual with respect to any demand from any other person as the legatee or next of kin or as the lawful representative of the deceased against the corporation, but the legatee, next of kin or representative shall be entitled to recover the amount of such payment from the person who received it. Payments by mistake.
8. Subsection 5 of section 114 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 257, s. 114, subs. 5, re-enacted.
- (5) A copy of such statement shall be mailed or delivered without charge to any debenture holder or depositor of the corporation upon request. Delivery of statement.
9. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1946*. Short title.

BILL

An Act to amend The Loan and Trust
Corporations Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Loan and Trust Corporations Act.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

SECTION 1a. The present section 7 requires the par value of shares of capital stock of loan and trust companies to be not less than \$50 nor more than \$100. The amendment is in line with other legislation of a similar nature. Its effect will be to enhance marketability of the stock of loan and trust companies and make possible a wider distribution thereof.

SECTION 2—Subsection 1. The investment powers of loan companies are brought into line with those of trust companies and insurance companies. This is a practical necessity in view of the change in methods of corporate financing since the enactment of the present provisions. Corresponding provisions governing insurance companies and trust companies have already been revised in the light of modern conditions and practices.

Subsection 2. The subsections repealed extend the investment powers of loan companies beyond what is at present required and are obsolete.

SECTION 3. Clause *c* which is repealed is not workable in view of modern corporate financing practices. Its purpose is to prevent loan companies investing in securities of a company which has not paid dividends of six per centum on its capital stock for the previous three years. Its effect is to prevent investment in the securities of any company which has no par value stock. Since the original enactment of the provision financing practices have altered substantially and the practice of issuing no par value stock has become common.

SECTION 4. This provision defines the amount which may be received *on deposits* by a loan corporation. To date there has been no provision for increasing this amount. Under subsection 2 of section 50 of *The Loan and Trust Corporations Act* the *total borrowing power* of such corporations is limited, but provision is made for increasing this figure by one hundred per cent. In order to reconcile these sections for the working purposes of the corporations, it is advisable to allow an increase by Order-in-Council in the amount which may be received as deposits, while at the same time leaving unchanged the total borrowing power limitation set out in subsection 2 of section 50.

BILL

An Act to amend The Loan and Trust Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 257, s. 1, cl. a, re-enacted.

(a) "Accountant" shall mean a member of the Institute of Chartered Accountants of Ontario or of the Certified Public Accountants Association of Ontario or such other person as may be approved by the Registrar as being a qualified accountant for the purpose of auditing the books and accounts of corporations under this Act. "Accountant", defined.

1a. Section 7 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 257, s. 7, re-enacted.

7. The par value of a share of capital stock shall be any multiple of \$5 but shall not be less than \$10 nor more than \$100. Par value of share.

2.—(1) Clauses *b* and *c* of subsection 1 of section 29 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: Rev. Stat., c. 257, s. 29, subs. 1, cl. b, re-enacted; cl. c, repealed.

(b) any of the securities mentioned in clauses *b* to *f* of subsection 1 of section 30.

(2) Subsections 2 and 4 of the said section 29 are repealed. Rev. Stat., c. 257, s. 29, subs. 2, 4, repealed.

3. Clause *c* of subsection 1 of section 31 of *The Loan and Trust Corporations Act* is repealed. Rev. Stat., c. 257, s. 31, subs. 1, cl. c, repealed.

4. Subsection 4 of section 48 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof the words "provided that subject to the limitation set out in Rev. Stat., c. 257, s. 48, subs. 4, amended.

subsection 2 of section 50, the Lieutenant-Governor in Council may on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount of deposits which may be received by any corporation as aforesaid", so that the said subsection shall now read as follows:

Limit of
deposits.

- (4) The amount to be received by any corporation entitled as hereinbefore provided to receive deposits shall not at any time exceed an amount equal to twice the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation plus the amount of its cash actually in hand or in any chartered bank to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund; provided that subject to the limitation set out in subsection 2 of section 50, the Lieutenant-Governor in Council may on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount of deposits which may be received by any corporation as aforesaid.

Proviso.

Rev. Stat.,
c. 257, s. 49,
amended.

5. Section 49 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

Reserves
required on
deposits.

- (2) Every loan company shall at all times maintain cash on hand and on deposit, debentures, bonds, stock or other securities of a kind referred to in subsection 1, and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the company.

Rev. Stat.,
c. 257, s. 61,
re-enacted;
s. 62,
repealed.

6. Sections 61 and 62 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Proceedings
to ratify
agreement.

61. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each such meeting the agreement or offer is ratified or accepted by resolution passed by at least a three-fourths vote of such shares as are represented in person or by proxy and representing at least fifty per centum of the issued capital stock of the corporation, that fact shall be certified upon the agreement or offer by the secretary or manager under the corporate seal.

Rev. Stat.,
c. 257,
ss. 77, 78,
79, re-
enacted.

7. Sections 77, 78 and 79 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

SECTION 5. There has been no provision assuring that a reasonable amount of liquid securities is behind all deposits. To date the regular inspection by departmental inspectors has shown that adequate provision has been made, but it is considered wise to ensure safety by the insertion of this liquidity provision.

SECTION 6. Sections 61 and 62 of *The Loan and Trust Corporations Act* provide for the affirmative vote of shareholders required to ratify an agreement for the amalgamation of two loan corporations or of two trust companies, or for the purchase and sale of assets between two loan corporations or two trust companies. The combined effect of these two sections makes the requirements uncertain and ambiguous.

The primary change involved in the amendments is to abandon the former principle of requiring two-thirds of the votes of all the shareholders representing not less than two-thirds of its paid in capital or stock. The new provision is for a three-fourths vote of such shares as are represented and representing at least fifty per cent of the issued capital stock. This change follows closely the corresponding section in the *Loan Companies Act* (Canada).

SECTION 7. Sections 77, 78 and 79 of *The Loan and Trust Corporations Act* are re-cast to remove doubt as to their application to deposits for guaranteed investment and holders of debentures. The limitation in the case of each person remains at \$600. Section 78 is widened to include cases where there is a will, it being presently restricted to cases of intestacy.

SECTION 8. The provision relates to the annual statement. The re-enacted subsection at present reads:

- (5) A copy of such statement shall be mailed or delivered without charge to every debenture holder resident in Canada and depositor of the corporation whose deposits shall exceed \$100, within thirty days after the annual meeting has been held.

In view of changed conditions since the original enactment of the provision the amendment is warranted.

77.—(1) A person who,—

Direction
as to dis-
position of
deposits or
debentures
on death.

- (a) has on deposit with a corporation, whether for guaranteed investment or otherwise, a sum not exceeding \$600;
- (b) is the holder of debentures issued by a corporation for a sum not exceeding \$600; or
- (c) has on deposit with a corporation a sum and holds debentures issued by the corporation, the amounts of which in the aggregate do not exceed \$600,

may by a writing, signed by him and deposited with the corporation, nominate any person to receive the amount thereof at his death.

- (2) Subject to *The Succession Duty Act, 1939*, upon receiving an affidavit as to the death of a person who has made a nomination under subsection 1 the corporation may substitute on its books the name of the nominee in place of the name of such person or may forthwith pay to the nominee the amount due to such person.

Rights of
corporation.
1939 (2nd
Sess.), c. 1.

78. Subject to the provisions of *The Succession Duty Act, 1939*, where a depositor or debenture holder as described in clauses *a, b* and *c* of section 77 dies without making a nomination in accordance with that section, the amount due may, without letters probate or letters of administration being taken out, be paid to the person who appears to the corporation to be entitled, under the will of such depositor or debenture holder or under *The Devolution of Estates Act*, in the case of an intestacy, to receive the amount, upon receiving an affidavit of the death and that the person claiming is so entitled.

Where no
direction.

Rev. Stat.,
c. 163.

79. Where the corporation, after the death of a depositor or debenture holder, has paid such sum to the person who at the time appeared to be entitled thereto the payment shall be valid and effectual with respect to any demand from any other person as the legatee or next of kin or as the lawful representative of the deceased against the corporation, but the legatee, next of kin or representative shall be entitled to recover the amount of such payment from the person who received it.

Payments
by mistake.

8. Subsection 5 of section 114 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 257, s. 114,
subs. 5, re-
enacted.

Delivery of
statement.

- (5) A copy of such statement shall be mailed or delivered without charge to any debenture holder or depositor of the corporation upon request.

Short title.

9. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1946*.





BILL

An Act to amend The Loan and Trust
Corporations Act.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1946

3rd Reading

MR. BLACKWELL.

*(Reprinted as amended in Committee of the
Whole House.)*

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Loan and Trust Corporations Act.

MR. BLACKWELL

BILL

An Act to amend The Loan and Trust Corporations Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 257, s. 1 cl. *a*, re-enacted.

(a) "Accountant" shall mean a member of the Institute of Chartered Accountants of Ontario or of the Certified Public Accountants Association of Ontario or such other person as may be approved by the Registrar as being a qualified accountant for the purpose of auditing the books and accounts of corporations under this Act. "Accountant", defined.

2. Section 7 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor: Rev. Stat., c. 257, s. 7, re-enacted.

7. The par value of a share of capital stock shall be any multiple of \$5 but shall not be less than \$10 nor more than \$100. Par value of share.

3.—(1) Clauses *b* and *c* of subsection 1 of section 29 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor: Rev. Stat., c. 257, s. 29, subs. 1, cl. *b*, re-enacted; cl. *c*, repealed.

(b) any of the securities mentioned in clauses *b* to *f* of subsection 1 of section 30.

(2) Subsections 2 and 4 of the said section 29 are repealed. Rev. Stat., c. 257, s. 29, subs. 2, 4, repealed.

4. Clause *c* of subsection 1 of section 31 of *The Loan and Trust Corporations Act* is repealed. Rev. Stat., c. 257, s. 31, subs. 1, cl. *c*, repealed.

5. Subsection 4 of section 48 of *The Loan and Trust Corporations Act* is amended by adding at the end thereof the words "provided that subject to the limitation set out in Rev. Stat., c. 257, s. 48, subs. 4, amended.

subsection 2 of section 50, the Lieutenant-Governor in Council may on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount of deposits which may be received by any corporation as aforesaid", so that the said subsection shall now read as follows:

Limit of
deposits.

- (4) The amount to be received by any corporation entitled as hereinbefore provided to receive deposits shall not at any time exceed an amount equal to twice the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation plus the amount of its cash actually in hand or in any chartered bank to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund; provided that subject to the limitation set out in subsection 2 of section 50, the Lieutenant-Governor in Council may on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount of deposits which may be received by any corporation as aforesaid.

Proviso.

Rev. Stat.,
c. 257, s. 49,
amended.

6. Section 49 of *The Loan and Trust Corporations Act* is amended by adding thereto the following subsection:

Reserves
required on
deposits.

- (2) Every loan company shall at all times maintain cash on hand and on deposit, debentures, bonds, stock or other securities of a kind referred to in subsection 1, and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the company.

Rev. Stat.,
c. 257, s. 61,
re-enacted;
s. 62,
repealed.

7. Sections 61 and 62 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

Proceedings
to ratify
agreement.

61. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each such meeting the agreement or offer is ratified or accepted by resolution passed by at least a three-fourths vote of such shares as are represented in person or by proxy and representing at least fifty per centum of the issued capital stock of the corporation, that fact shall be certified upon the agreement or offer by the secretary or manager under the corporate seal.

Rev. Stat.,
c. 257,
ss. 77, 78,
79, re-
enacted.

8. Sections 77, 78 and 79 of *The Loan and Trust Corporations Act* are repealed and the following substituted therefor:

77.—(1) A person who,—

Direction
as to dis-
position of
deposits or
debentures
on death.

- (a) has on deposit with a corporation, whether for guaranteed investment or otherwise, a sum not exceeding \$600;
- (b) is the holder of debentures issued by a corporation for a sum not exceeding \$600; or
- (c) has on deposit with a corporation a sum and holds debentures issued by the corporation, the amounts of which in the aggregate do not exceed \$600,

may by a writing, signed by him and deposited with the corporation, nominate any person to receive the amount thereof at his death.

- (2) Subject to *The Succession Duty Act, 1939*, upon receiving an affidavit as to the death of a person who has made a nomination under subsection 1 the corporation may substitute on its books the name of the nominee in place of the name of such person or may forthwith pay to the nominee the amount due to such person.

Rights of
corporation.
1939 (2nd
Sess.), c. 1.

- 78. Subject to the provisions of *The Succession Duty Act, 1939*, where a depositor or debenture holder as described in clauses *a*, *b* and *c* of section 77 dies without making a nomination in accordance with that section, the amount due may, without letters probate or letters of administration being taken out, be paid to the person who appears to the corporation to be entitled, under the will of such depositor or debenture holder or under *The Devolution of Estates Act*, in the case of an intestacy, to receive the amount, upon receiving an affidavit of the death and that the person claiming is so entitled.

Where no
direction.

Rev. Stat.,
c. 163.

- 79. Where the corporation, after the death of a depositor or debenture holder, has paid such sum to the person who at the time appeared to be entitled thereto the payment shall be valid and effectual with respect to any demand from any other person as the legatee or next of kin or as the lawful representative of the deceased against the corporation, but the legatee, next of kin or representative shall be entitled to recover the amount of such payment from the person who received it.

Payments
by mistake.

9. Subsection 5 of section 114 of *The Loan and Trust Corporations Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 257, s. 114,
subs. 5, re-
enacted.

Delivery of
statement.

- (5) A copy of such statement shall be mailed or delivered without charge to any debenture holder or depositor of the corporation upon request.

Short title.

10. This Act may be cited as *The Loan and Trust Corporations Amendment Act, 1946*.

NO: 20

BILL

An Act to amend The Loan and Trust
Corporations Act.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1946

3rd Reading

March 11th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Money-Lenders Act.

MR. BLACKWELL

EXPLANATORY NOTE

The amendments repeal provisions of *The Money-Lenders Act* requiring registration of money-lenders. These provisions have proved inadequate and no longer serve any useful purpose since the passage of *The Small Loans Act* by the Dominion Parliament in 1939 which provide among other things for licensing and supervision of money-lenders.

BILL

An Act to amend The Money-Lenders Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Money-Lenders Act*, being chapter 243 of the Revised Statutes of Ontario, 1937, is amended by striking out the title to the said Act and inserting in lieu thereof the title "*The Unconscionable Transactions Relief Act*". Rev. Stat.,
c. 243,
title
altered.
2. Clauses *e* and *g* of section 1 of *The Money-Lenders Act* are repealed. Rev. Stat.,
c. 243, s. 1,
cls. *e*, *g*,
repealed.
3. Section 2 of *The Money-Lenders Act* is repealed. Rev. Stat.,
c. 243, s. 2,
repealed.
4. Part III of *The Money-Lenders Act* comprising sections 6 to 13 inclusive, is repealed. Rev. Stat.,
c. 243,
Part III,
repealed.
5. This Act may be cited as *The Money-Lenders Amendment Act, 1946*. Short title.

BILL

An Act to amend The Money-
Lenders Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL.

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Money-Lenders Act.

MR. BLACKWELL

BILL

An Act to amend The Money-Lenders Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Money-Lenders Act*, being chapter 243 of the Revised Statutes of Ontario, 1937, is amended by striking out the title to the said Act and inserting in lieu thereof the title "*The Unconscionable Transactions Relief Act*". Rev. Stat.,
c. 243,
title altered.
2. Clauses *e* and *g* of section 1 of *The Money-Lenders Act* are repealed. Rev. Stat.,
c. 243, s. 1,
cls. *e*, *g*,
repealed.
3. Section 2 of *The Money-Lenders Act* is repealed. Rev. Stat.,
c. 243, s. 2,
repealed.
4. Part III of *The Money-Lenders Act* comprising sections 6 to 13 inclusive, is repealed. Rev. Stat.,
c. 243,
Part III,
repealed.
5. This Act may be cited as *The Money-Lenders Amendment Act, 1946*. Short title.

BILL

An Act to amend The Money-
Lenders Act.

1st Reading

March 4th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 20th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Collection Agencies Act, 1939.

MR. BLACKWELL

EXPLANATORY NOTE

The Administration of *The Collection Agencies Act, 1939*, is by this Act transferred from the Securities Commission to the Superintendent of Insurance.

As the licenses under the Act expire on March 31st it is provided in the Bill that it shall come into force on the 1st day of April, 1946.

BILL

An Act to amend The Collection Agencies Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Collection Agencies Act, 1939*, as amended by *The Collection Agencies Amendment Act, 1941*, is further amended^{1939, c. 7, amended.} by striking out the word "Commission" wherever it occurs and inserting in lieu thereof the word "Superintendent".

2. Section 1 of *The Collection Agencies Act, 1939*, is amended^{1939, c. 7, s. 1, cl. c, repealed; cl. g enacted.} by striking out clause *c* and by adding the following clause:

(g) "Superintendent" shall mean the Superintendent of^{Superintendent.} Insurance.

3. Section 20 of *The Collection Agencies Act, 1939*, as^{1939, c. 7, s. 20, amended.} amended by section 5 of *The Collection Agencies Amendment Act, 1941*, is further amended by striking out the words "upon the recommendation of the Commission" in the first and second lines, so that the first two lines of the said section shall now read as follows:

20. The Lieutenant-Governor in Council may make^{Regulations.} regulations,—

.

4. This Act shall come into force on the 1st day of April,^{Commence-ment of Act.} 1946.

5. This Act may be cited as *The Collection Agencies Amend-Short title.*
ment Act, 1946.

BILL

An Act to amend The Collection
Agencies Act, 1939.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Collection Agencies Act, 1939.

MR. BLACKWELL

No. 60

1946

BILL

An Act to amend The Collection Agencies Act, 1939.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Collection Agencies Act, 1939*, as amended by *The Collection Agencies Amendment Act, 1941*, is further amended by striking out the word "Commission" wherever it occurs and inserting in lieu thereof the word "Superintendent". 1939, c. 7, amended.

2. Section 1 of *The Collection Agencies Act, 1939*, is amended by striking out clause *c* and by adding the following clause: 1939, c. 7, s. 1, cl. c, repealed; cl. g enacted.

(g) "Superintendent" shall mean the Superintendent of Insurance. Superintendent.

3. Section 20 of *The Collection Agencies Act, 1939*, as amended by section 5 of *The Collection Agencies Amendment Act, 1941*, is further amended by striking out the words "upon the recommendation of the Commission" in the first and second lines, so that the first two lines of the said section shall now read as follows: 1939, c. 7, s. 20, amended.

20. The Lieutenant-Governor in Council may make Regulations, regulations,—

.

4. This Act shall come into force on the 1st day of April, 1946. Commencement of Act

5. This Act may be cited as *The Collection Agencies Amendment Act, 1946*. Short title.

BILL

An Act to amend The Collection
Agencies Act, 1939.

1st Reading

March 4th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 20th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Surrogate Courts Act.

MR. BLACKWELL

EXPLANATORY NOTES

SECTIONS 1, 2, 3, 5, 6, 7, 8, 9, 10, 11. The office of the surrogate clerk no longer serves sufficient purpose to require a separate officer for this work. The purpose of these amendments is to abolish the office of surrogate clerk and transfer the duties to the Registrar of the Supreme Court. The same functions will continue to be discharged, except that copies of wills will not be on file. They will be available at the local Surrogate Court office.

SECTION 4. The purpose of this amendment is to cover the will of a member of the Air Force in connection with proofs to lead to the granting of letters probate. The amendment is in line with the present section 13 of *The Wills Act* which was similarly re-enacted in 1942 to provide for execution of wills of Air Force personnel who had not to that date been covered.

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Surrogate Courts Act* is repealed. Rev. Stat.,
c. 106, s. 9,
repealed.
2. Section 16 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the third line and inserting in lieu thereof the words "Registrar of the Supreme Court", and by striking out the words "and also a copy, certified by him to be a correct copy, of every will to which the same relate," in the sixth, seventh and eighth lines, so that the said section shall now read as follows: Rev. Stat.,
c. 106, s. 16,
amended.
16. On the third day of every month, or oftener if required by the surrogate court rules, every registrar shall transmit by mail to the Registrar of the Supreme Court a list, in such form and containing such particulars as may be prescribed by such rules, of the grants of probate and administration made by his court up to the last day of the preceding month, and he shall in like manner make a return of every revocation of grant of probate or administration. Transmission to
Registrar of Supreme
Court of list of
grants, etc.
3. Section 17 of *The Surrogate Courts Act* is amended by striking out the words "Neither the surrogate clerk nor" at the beginning thereof, and by inserting after the word "shall" in the first line the word "not", so that the said section shall now read as follows: Rev. Stat.,
c. 106, s. 17,
amended.
17. A registrar shall not for fee or reward draw or advise upon any will, or upon any paper or document connected with the duties of his office, for which a fee is not expressly allowed to him by the tariff. Registrars
not to take
fees for
drawing or
advising on
certain
documents.
4. Subsection 2 of section 30 of *The Surrogate Courts Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 106, s. 30,
subs. 2,
re-enacted.

Death or
absence of
witnesses
of will of
member of
forces or
mariner.

- (2) Where upon the application for probate of the will of a person who, at the time of the execution of the will, was a member of the forces or was a mariner or seaman at sea or in the course of a voyage, it appears that the witnesses are dead or are incompetent, or that the whereabouts of the witnesses, or either of them, is unknown, the judge of the surrogate court to whom such application is made, may accept such evidence as he may consider satisfactory as to the validity and proper execution of such will notwithstanding anything contained in this Act or in the rules or regulations of the surrogate court to the contrary.

"Member of
the forces",—
defined.

- (2a) In subsection 2 "member of the forces" shall mean a member of the naval, military or air forces of Canada who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Rev. Stat.,
c. 106, s. 36,
amended.

5. Section 36 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the third line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Notice to
Registrar
of Supreme
Court of
applications.

36. Notice of every application for the grant of probate or administration shall be transmitted by the registrar, by registered post, to the Registrar of the Supreme Court by the next post after the application, and the notice shall specify the name and description or addition, if any, of the deceased, the time of his death, and the place of his abode at his decease, as stated in the affidavits made in support of the application, and the name of the person by whom the application is made, and such other particulars as may be prescribed by the surrogate court rules.

Rev. Stat.,
c. 106, s. 37,
amended.

6. Section 37 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the third line and where they appear in the fifth and sixth lines, and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Certificate
from Regis-
trar of
Supreme
Court.

37. Unless upon special order of the court, no probate or administration shall be granted until the registrar has received a certificate, under the hand of the Registrar of the Supreme Court, that no other application appears to have been made in respect of the property of the deceased, which certificate the Registrar of the Supreme Court shall forward as soon as may be to the registrar.



7. Section 38 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

38. All notices in respect of applications shall be filed and kept by the Registrar of the Supreme Court. Registrar of Supreme Court to file notices.

8. Section 39 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the first line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

39. The Registrar of the Supreme Court shall, with reference to every such notice, examine all notices of such applications received from the several registrars, so far as appears to be necessary to ascertain whether or not application for probate or administration in respect of the property of the deceased has been made in more than one surrogate court, and he shall communicate with the registrars as occasion may require in relation to such applications. Duty of Registrar of Supreme Court with reference to notices.

9.—(1) Subsection 1 of section 40 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the first and second lines and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows: Rev. Stat., c. 106, s. 40, subs. 1, amended.

(1) Where it appears by the certificate of the Registrar of the Supreme Court that application for probate or administration has been made to two or more surrogate courts, the judges of such courts respectively shall stay proceedings therein, leaving the parties to apply to a judge of the Supreme Court for such direction in the matter as he may deem necessary. Where application made to more than one surrogate court.

(2) Subsection 4 of the said section 40 is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows: Rev. Stat., c. 106, s. 40, subs. 4, amended.

(4) The determination of the judge shall be final and conclusive, and the Registrar of the Supreme Court shall, without delay, transmit a certified copy of the judge's order to the registrars of the surrogate courts wherein such applications were made. Judge's decision to be final.

Rev. Stat.,
c. 106, s. 41,
amended.

10. Section 41 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Lodging.

41. Caveats against the grant of probate or administration may be lodged with the Registrar of the Supreme Court or with the registrar of any surrogate court.

Rev. Stat.,
c. 106, s. 42,
amended.

11. Section 42 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the second and fifth lines and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Notice of
caveats.

42. Upon a caveat being lodged, the registrar shall without delay send a copy thereof to the Registrar of the Supreme Court to be entered among the caveats lodged with him, and, upon notice of an application being received from the registrar of a surrogate court under section 36, the Registrar of the Supreme Court shall without delay forward to him notice of any caveat that has been so lodged touching such application, and the notice shall accompany or be embodied in the certificate mentioned in section 37.

Rev. Stat.,
c. 106,
amended.

12. *The Surrogate Courts Act* is amended by adding thereto the following section:

Notice of
contesta-
tion of
unliquidated
claims.

65a.—(1) Where any claim or demand not within the meaning of subsection 1 of section 65 is made against the estate of a deceased person, or where the personal representative has notice or knowledge of the claim or demand, he may serve the claimant with the notice prescribed in the said subsection.

Application
by claimant
for order
for direc-
tions.

(2) Within the time limits mentioned in subsection 2 of section 65 the claimant may apply to the judge of the surrogate court for an order for directions as to the disposition of the claim or demand, and if the claimant does not make the application he shall be deemed to have abandoned his claim, and the same shall be forever barred.

Powers of
judge.

(3) The judge shall make such order upon the application for directions as he may deem just and, in particular but without limiting the generality of the foregoing, he may,—

(a) direct the claimant to bring an action for the recovery or establishment of his claim on

SECTION 12. Section 65 of the Act is limited by judicial interpretation to contestation of liquidated claims and demands against the estate of a deceased person, and there is no similar provision for contesting unliquidated claims or demands. This section remedies the defect.

SECTION 65a—Subsection 1. This subsection provides for contestation by the personal representative of an unliquidated claim or demand, such as a claim for damages.

Subsection 2. This subsection provides for barring any claim if the terms of the subsection are not complied with.

Subsections 3 and 4. These subsections prescribe the powers of the surrogate court judge, and the only power given him is to make an order for directions as to the disposition of the claim, except by consent of the parties under subsection 4.

Subsection 3, clause *b*. This clause provides for the case where the right of action has not yet accrued, such as a claim for loss under a guarantee.

Subsection 5. This subsection relates to matters of procedure only where the parties consent to trial of claim before the surrogate court judge.

Subsection 6. This subsection provides for an appeal to a Supreme Court Judge in Chambers, but he may make an order without being bound by the exercised discretion of the surrogate court judge.

such terms and conditions as he may deem just; and

- (b) where the claim or demand is not presently recoverable, may prescribe the time after which the claimant shall proceed pursuant to the directions.
- (4) By consent of the claimant and personal representative the judge may direct that the trial shall take place and be disposed of before the surrogate court judge. - Idem.
- (5) When an order is made under the provisions of subsection 4, subsections 11, 12, 13 and 14 of section 65 shall apply. Application of parts of s. 65.
- (6) Any order made under subsection 2 or 3 shall be subject to review by a judge of the Supreme Court in Chambers on an appeal taken in the same manner as an appeal under the rules of court from an order of the Master of the Supreme Court; and the judge may, notwithstanding the discretionary powers of the surrogate court judge, make such order on the appeal as he would have made if he had heard the application in the first instance. Right of appeal.

13. This Act may be cited as *The Surrogate Courts Amendment Act, 1946*. Short title.

BILL

An Act to amend The Surrogate
Courts Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Surrogate Courts Act.

MR. BLACKWELL

BILL

An Act to amend The Surrogate Courts Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 9 of *The Surrogate Courts Act* is repealed.

Rev. Stat.,
c. 106, s. 9,
repealed.

2. Section 16 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the third line and inserting in lieu thereof the words "Registrar of the Supreme Court", and by striking out the words "and also a copy, certified by him to be a correct copy, of every will to which the same relate," in the sixth, seventh and eighth lines, so that the said section shall now read as follows:

Rev. Stat.,
c. 106, s. 16,
amended.

16. On the third day of every month, or oftener if required by the surrogate court rules, every registrar shall transmit by mail to the Registrar of the Supreme Court a list, in such form and containing such particulars as may be prescribed by such rules, of the grants of probate and administration made by the court up to the last day of the preceding month, and he shall in like manner make a return of every revocation of grant of probate or administration.

Transmis-
sion to
Registrar
of Supreme
Court of
list of
grants, etc.

3. Section 17 of *The Surrogate Courts Act* is amended by striking out the words "Neither the surrogate clerk nor" at the beginning thereof, and by inserting after the word "shall" in the first line the word "not", so that the said section shall now read as follows:

Rev. Stat.,
c. 106, s. 17,
amended.

17. A registrar shall not for fee or reward draw or advise upon any will, or upon any paper or document connected with the duties of his office, for which a fee is not expressly allowed to him by the tariff.

Registrars
not to take
fees for
drawing or
advising on
certain
documents.

4. Subsection 2 of section 30 of *The Surrogate Courts Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 106, s. 30,
subs. 2,
re-enacted.

Death or
absence of
witnesses
of will of
member of
forces or
mariner.

- (2) Where upon the application for probate of the will of a person who, at the time of the execution of the will, was a member of the forces or was a mariner or seaman at sea or in the course of a voyage, it appears that the witnesses are dead or are incompetent, or that the whereabouts of the witnesses, or either of them, is unknown, the judge of the surrogate court to whom such application is made, may accept such evidence as he may consider satisfactory as to the validity and proper execution of such will notwithstanding anything contained in this Act or in the rules or regulations of the surrogate court to the contrary.

"Member of
the forces",—
defined.

- (2a) In subsection 2 "member of the forces" shall mean a member of the naval, military or air forces of Canada who, having been placed on active service or called out for training, service or duty, is serving in any of such forces.

Rev. Stat.,
c. 106, s. 36,
amended.

5. Section 36 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the third line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Notice to
Registrar
of Supreme
Court of
applications.

36. Notice of every application for the grant of probate or administration shall be transmitted by the registrar, by registered post, to the Registrar of the Supreme Court by the next post after the application, and the notice shall specify the name and description or addition, if any, of the deceased, the time of his death, and the place of his abode at his decease, as stated in the affidavits made in support of the application, and the name of the person by whom the application is made, and such other particulars as may be prescribed by the surrogate court rules.

Rev. Stat.,
c. 106, s. 37,
amended.

6. Section 37 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the third line and where they appear in the fifth and sixth lines, and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Certificate
from Regis-
trar of
Supreme
Court.

37. Unless upon special order of the court, no probate or administration shall be granted until the registrar has received a certificate, under the hand of the Registrar of the Supreme Court, that no other application appears to have been made in respect of the property of the deceased, which certificate the Registrar of the Supreme Court shall forward as soon as may be to the registrar.

7. Section 38 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

38. All notices in respect of applications shall be filed and kept by the Registrar of the Supreme Court.

Rev. Stat.,
c. 106, s. 38,
amended.

Registrar
of Supreme
Court to
file notices.

8. Section 39 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the first line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

39. The Registrar of the Supreme Court shall, with reference to every such notice, examine all notices of such applications received from the several registrars, so far as appears to be necessary to ascertain whether or not application for probate or administration in respect of the property of the deceased has been made in more than one surrogate court, and he shall communicate with the registrars as occasion may require in relation to such applications.

Duty of
Registrar
of Supreme
Court with
reference
to notices.

9.—(1) Subsection 1 of section 40 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the first and second lines and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 106, s. 40,
subs. 1,
amended.

(1) Where it appears by the certificate of the Registrar of the Supreme Court that application for probate or administration has been made to two or more surrogate courts, the judges of such courts respectively shall stay proceedings therein, leaving the parties to apply to a judge of the Supreme Court for such direction in the matter as he may deem necessary.

Where
application
made to
more than
one surro-
gate court.

(2) Subsection 4 of the said section 40 is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 106, s. 40,
subs. 4,
amended.

(4) The determination of the judge shall be final and conclusive, and the Registrar of the Supreme Court shall, without delay, transmit a certified copy of the judge's order to the registrars of the surrogate courts wherein such applications were made.

Judge's
decision to
be final.

Rev. Stat.,
c. 106, s. 41,
amended.

10. Section 41 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" in the second line and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Lodging.

41. Caveats against the grant of probate or administration may be lodged with the Registrar of the Supreme Court or with the registrar of any surrogate court.

Rev. Stat.,
c. 106, s. 42,
amended.

11. Section 42 of *The Surrogate Courts Act* is amended by striking out the words "surrogate clerk" where they appear in the second and fifth lines and inserting in lieu thereof the words "Registrar of the Supreme Court", so that the said section shall now read as follows:

Notice of
caveats.

42. Upon a caveat being lodged, the registrar shall without delay send a copy thereof to the Registrar of the Supreme Court to be entered among the caveats lodged with him, and, upon notice of an application being received from the registrar of a surrogate court under section 36, the Registrar of the Supreme Court shall without delay forward to him notice of any caveat that has been so lodged touching such application, and the notice shall accompany or be embodied in the certificate mentioned in section 37.

Rev. Stat.,
c. 106,
amended.

12. *The Surrogate Courts Act* is amended by adding thereto the following section:

Notice of
contesta-
tion of
unliquidated
claims.

65a.—(1) Where any claim or demand not within the meaning of subsection 1 of section 65 is made against the estate of a deceased person, or where the personal representative has notice or knowledge of the claim or demand, he may serve the claimant with the notice prescribed in the said subsection.

Application
by claimant
for order
for direc-
tions.

(2) Within the time limits mentioned in subsection 2 of section 65 the claimant may apply to the judge of the surrogate court for an order for directions as to the disposition of the claim or demand, and if the claimant does not make the application he shall be deemed to have abandoned his claim, and the same shall be forever barred.

Powers of
judge.

(3) The judge shall make such order upon the application for directions as he may deem just and, in particular but without limiting the generality of the foregoing, he may,—

(a) direct the claimant to bring an action for the recovery or establishment of his claim on

such terms and conditions as he may deem just; and

- (b) where the claim or demand is not presently recoverable, may prescribe the time after which the claimant shall proceed pursuant to the directions.
- (4) By consent of the claimant and personal representa- ^{Idem.}
tive the judge may direct that the trial shall take place and be disposed of before the surrogate court judge.
- (5) When an order is made under the provisions of sub- ^{Application of parts of s. 65.}
section 4, subsections 11, 12, 13 and 14 of section 65 shall apply.
- (6) Any order made under subsection 2 or 3 shall be ^{Right of appeal.}
subject to review by a judge of the Supreme Court in Chambers on an appeal taken in the same manner as an appeal under the rules of court from an order of the Master of the Supreme Court; and the judge may, notwithstanding the discretionary powers of the surrogate court judge, make such order on the appeal as he would have made if he had heard the application in the first instance.

13. This Act may be cited as *The Surrogate Courts Amendment Act, 1946.* ^{Short title.}

BILL

An Act to amend The Surrogate
Courts Act.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1945

3rd Reading

March 11th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Mental Incompetency Act.

MR. BLACKWELL

EXPLANATORY NOTE

The amendment is to provide for cases where a cure or recovery from a mental infirmity arising from disease, habitual drunkenness or the use of drugs, takes place in a short time. The present wording of the Act provides that where a person has been found to be mentally infirm by a court, he cannot be again placed in control of his property until the expiration of a year from the original order. It sometimes happens that a cure is accomplished in a shorter period than a year, and it is a hardship on the person who has regained his mental health that he should be discharged from a mental institution but that the court should be precluded from restoring the control of his property to him until the expiration of a further period.

This amendment corrects the situation and brings the provisions of the Act relating to persons who are mentally infirm, into line with the provisions of the Act dealing with persons who are mentally incompetent.

BILL

An Act to amend The Mental Incompetency Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 36 of *The Mental Incompetency Act* is repealed and the following substituted therefor: Rev. Stat., c. 110, s. 36, subs. 6, re-enacted.

(6) Upon application at any time after the expiration of one year from the date of the order by which a person has been declared incapable of managing his affairs under subsection 1, or sooner by leave of the Court, the like proceedings may be taken and the like order made as provided in section 9 in the case of a person who has been declared a mentally incompetent person. Proceedings on application to discharge order.

2. This Act may be cited as *The Mental Incompetency Amendment Act, 1946*. Short title.

BILL

An Act to amend The Mental
Incompetency Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Mental Incompetency Act.

MR. BLACKWELL

No. 62

1946

BILL

An Act to amend The Mental Incompetency Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 6 of section 36 of *The Mental Incompetency Act* is repealed and the following substituted therefor: Rev. Stat., c. 110, s. 36, subs. 6, re-enacted.

(6) Upon application at any time after the expiration of one year from the date of the order by which a person has been declared incapable of managing his affairs under subsection 1, or sooner by leave of the Court, the like proceedings may be taken and the like order made as provided in section 9 in the case of a person who has been declared a mentally incompetent person. Proceedings on application to discharge order.

2. This Act may be cited as *The Mental Incompetency Amendment Act, 1946*. Short title.

BILL

An Act to amend The Mental
Incompetency Act.

1st Reading

March 4th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 20th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Territorial Division Act.

MR. BLACKWELL

EXPLANATORY NOTE

The entire area of Tuscarora Township forms part of the Six Nations Indian Reserve. For this reason the Township has never been organized. It should therefore be treated as unorganized territory rather than as part of the County of Brant for municipal purposes.

The provisions of the Bill are self-explanatory.

BILL

An Act to amend The Territorial Division Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Territorial Division Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 3, s. 3,
amended.

- (3) The Township of Tuscarora shall continue to be ^{Tuscarora} united to and form part of the County of Brant for ^{Township.} judicial purposes, but shall be withdrawn from and shall not form part of the County of Brant for municipal purposes.

2. This Act may be cited as *The Territorial Division* Short title.
Amendment Act, 1946.

BILL

An Act to amend The Territorial
Division Act.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Territorial Division Act.

MR. BLACKWELL

No. 63

1946

BILL

An Act to amend The Territorial Division Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Territorial Division Act* is amended by adding thereto the following subsection: Rev. Stat., c. 3, s. 3, amended.

(3) The Township of Tuscarora shall continue to be Tuscarora Township. united to and form part of the County of Brant for judicial purposes, but shall be withdrawn from and shall not form part of the County of Brant for municipal purposes.

2. This Act may be cited as *The Territorial Division Amendment Act, 1946.* Short title.

BILL

An Act to amend The Territorial
Division Act.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1946

3rd Reading

March 11th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL
The Parole Act, 1946.

MR. DUNBAR

EXPLANATORY NOTES

This Bill is a general revision of *The Parole Act*. No substantial changes in principle are involved but various provisions of the Act are clarified and conflicts between *The Parole Act* and section 43 of the *Prisons and Reformatories Act* (Canada) are eliminated. For an understanding of *The Parole Act* a knowledge of section 43 of the *Prisons and Reformatories Act* (Canada) is necessary. The section reads as follows:

43. The Lieutenant-Governor of the province of Ontario may appoint a Board of Parole for the said Province whose duty it shall be to inquire from time to time into the cases of prisoners sentenced to the Ontario Reformatory, the Andrew Mercer Reformatory or any industrial farm, and where as a result of such inquiry the Board thinks proper, it may permit prisoners serving indeterminate sentences to be paroled under conditions approved of by the Minister of Justice, and when the terms on which such prisoners have been paroled have been complied with, the Board may recommend for the consideration of the Minister of Justice the final discharge of such prisoners.

SECTION 1. This corresponds to section 1 of the present Act with the addition of clause *b*. Clause *c* is divided into subclauses for clarification. In keeping with the established policy, clause *c*, as recast, limits the powers of the Board to dealing with indeterminate sentences. Under the definition in the present Act "prisoner" is defined as including a person serving either a definite or indeterminate sentence for a violation of a provincial statute but only a person serving an indeterminate sentence for a violation of a Dominion statute. The Board has never exercised jurisdiction in the case of definite sentences, the remission of definite sentences being dealt with by the Lieutenant-Governor in Council under sections 1 and 2 of *The Lieutenant-Governor's Act*. Accordingly the definition of "prisoner" is restricted to include only persons serving indeterminate sentences whether the offence was under a provincial or Dominion statute.

SECTION 2. This section is substantially the same as section 2 of the present Act. The part of the section which confirms acts of the Board performed at a time when the Board was not properly constituted, has served its purpose and is dropped.

SECTIONS 3 and 4. The combined effect of these two sections is the same as the effect of sections 3 and 4 of the present Act.

BILL

The Parole Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean Board of Parole; "Board";
- (b) "parole officer" shall include the Chief Parole Officer; "parole officer";
- (c) "prisoner" shall mean, "prisoner";
 - (i) a person convicted of an offence against a statute of Ontario or against a municipal by-law and sentenced to an indeterminate sentence, and
 - (ii) a prisoner referred to in section 43 of the *Prisons and Reformatories Act* (Canada) and sentenced to an indeterminate sentence; R.S.C., c. 163.
- (d) "regulations" shall mean regulations made under this Act; and "regulations";
- (e) "secretary" shall mean secretary of the Board. "secretary". R.S.O. 1937, c. 397, s. 1, *amended*.

2. There shall be constituted a board to be known as the Board of Parole which shall be composed of not more than six persons to be appointed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 397, s. 2, *part, amended*. Board of Parole established.

3.—(1) The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof. R.S.O. 1937, c. 397, s. 3 (1), *amended*. Chairman.

(2) Three members of the Board shall form a quorum. R.S.O. 1937, c. 397, s. 3 (2). Quorum.

Appointment of secretary, Chief Parole Officer and assistants.

4. The Lieutenant-Governor in Council may appoint a secretary of the Board, a Chief Parole Officer and such parole officers as he may deem necessary. R.S.O. 1937, c. 397, s. 3 (1), *part*; s. 4, *amended*.

Salaries of chairman, secretary and parole officers.

5.—(1) The chairman of the Board, the secretary and the parole officers may be paid such salary as may be determined by the Lieutenant-Governor in Council. R.S.O. 1937, c. 397, ss. 5, 6, *amended*.

Allowances for Board members.

(2) The members of the Board other than the chairman shall serve without salary but the Lieutenant-Governor in Council may fix a per diem allowance to be payable to the members for their attendance at the meetings of the Board or for other attendances in connection with the transaction of any business of the Board. R.S.O. 1937, c. 397, s. 7, *part, amended*.

Travelling and living expenses.

(3) The chairman and members of the Board, the secretary and the parole officers shall be entitled to reasonable and necessary travelling and living expenses while absent from home on the business of the Board as certified by the chairman of the Board. R.S.O. 1937, c. 397, s. 7, *part, amended*.

Payment out of appropriations.

(4) All such salaries, remuneration, allowances, travelling and living expenses and all other expenses of the Board shall be paid out of such moneys as may be appropriated by the Legislature for the general purposes of the Board. R.S.O. 1937, c. 397, s. 8, *amended*.

Release of prisoners on parole.

6. Subject to the regulations the Board may order the release on parole of any prisoner,—

(a) in the case of a prisoner referred to in subclause i of clause c of section 1, upon such conditions as the Board may deem proper; and

(b) in the case of a prisoner referred to in subclause ii of clause c of section 1, upon conditions approved by the Minister of Justice under section 43 of the *Prisons and Reformatories Act* (Canada). R.S.O. 1937, c. 397, s. 10, *amended*.

R.S.C.,
c. 163.

Re-taking prisoners on breach of conditions of parole.

7. In the case of prisoners referred to in subclause i of clause c of section 1, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by a parole officer or by any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled. R.S.O. 1937, c. 397, s. 11, *amended*.

SECTION 5. This section replaces sections 5, 6, 7 and 8 of the present Act. The principal change in the effect of the provision is to permit the chairman to be appointed on a full-time basis and to be paid accordingly in the discretion of the Lieutenant-Governor in Council.

SECTION 6. This section is similar to section 10 of the present Act but has been altered to distinguish between its application to persons who have violated Ontario statutes and persons who have violated Dominion statutes, in a manner consistent with the provisions of section 43 of the *Prisons and Reformatories Act* (Canada).

SECTION 7. This section is similar to section 11 of the present Act but its application is limited to persons who have violated the provisions of Ontario statutes, there being no authority to apply its provisions to prisoners who have violated Dominion statutes.

SECTIONS 8 and 9. These sections are identical with sections 12 and 13 of the present Act.

SECTION 10. This section is similar to section 14 of the present Act with minor alterations to bring it into line with the present fiscal year of the Government.

SECTION 11. This is identical with section 15 of the present Act.

SECTION 12. Subsection 1 is substantially the same as subsection 1 of section 9 of the present Act. There is a slight change of wording in clause *a* due to the definition of "parole officer" in section 1. Specific references to the *Prisons and Reformatories Act* (Canada) in clauses *b* and *e* are omitted.

Subsection 2 replaces subsection 2 of section 9 of the present Act. Its effect is the same but the wording is altered for the purpose of clarification.

8. It shall be the duty of the Board to assist prisoners on parole in securing employment with trustworthy persons and in this manner to ensure as far as possible the success of the parole system. R.S.O. 1937, c. 397, s. 12. Assistance to prisoners.

9. It shall be the duty of every public officer or other person having information or having access to any information bearing upon the fitness of a prisoner to be paroled, to make such return in writing to the Board as may be required by the regulations. R.S.O. 1937, c. 397, s. 13. Returns.

10. The Board shall in each year, on or before the 30th day of June, make a report in writing to the Lieutenant-Governor in Council of the history and proceedings of the Board during the twelve-month period ending on the 31st day of March of such year. R.S.O. 1937, c. 397, s. 14, *amended*. Annual report of Board.

11. Nothing in this Act contained shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor-General of Canada or the Lieutenant-Governor of Ontario to grant a reprieve, pardon, or commutation of sentence in any case. R.S.O. 1937, c. 397, s. 15. Pardoning powers not affected.

12.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,— Regulations.

(a) defining the duties, powers and responsibilities of the Board, the Chief Parole Officer, parole officers and the secretary of the Board;

(b) defining the conditions under which a prisoner may be paroled;

(c) prescribing the powers of the Board in dealing with a prisoner on parole who fails to comply with the terms upon which he has been paroled;

(d) prescribing the form of returns to be made by public officers and other persons containing information as to the antecedents of any prisoner;

(e) generally for the better carrying out of the provisions of this Act.

(2) Such of the regulations as are approved by the Minister of Justice shall have force and effect as to prisoners referred to in section 43 of the *Prisons and Reformatories Act* (Canada). R.S.O. 1937, c. 397, s. 9, *amended*. Approval by Minister of Justice. R.S.C., c. 163.

13. *The Parole Act* is repealed.

Rev. Stat., c. 397, repealed.

Commence-
ment of Act. **14.** This Act shall come into force on the 1st day of July,
1946.

Short title. **15.** This Act may be cited as *The Parole Act, 1946*.

BILL

The Parole Act, 1946.

1st Reading

March 4th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL
The Parole Act, 1946.

MR. DUNBAR

1946

No. 64

BILL

The Parole Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

“Board”;

(a) “Board” shall mean Board of Parole;

(b) “parole officer” shall include the Chief Parole ^{“parole officer”;}
Officer;

(c) “prisoner” shall mean,

“prisoner”;

(i) a person convicted of an offence against a statute of Ontario or against a municipal by-law and sentenced to an indeterminate sentence, and

(ii) a prisoner referred to in section 43 of the *Prisons and Reformatories Act* (Canada) and ^{R.S.C., c. 163.} sentenced to an indeterminate sentence;

(d) “regulations” shall mean regulations made under this ^{“regulations”;}
Act; and

(e) “secretary” shall mean secretary of the Board. ^{“secretary”.}
R.S.O. 1937, c. 397, s. 1, *amended*.

2. There shall be constituted a board to be known as the ^{Board of Parole} established.
Board of Parole which shall be composed of not more than six persons to be appointed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 397, s. 2, *part, amended*.

3.—(1) The Lieutenant-Governor in Council may designate one of the members of the Board to be chairman thereof. ^{Chairman.}
R.S.O. 1937, c. 397, s. 3 (1), *amended*.

(2) Three members of the Board shall form a quorum. ^{Quorum.}
R.S.O. 1937, c. 397, s. 3 (2).

Appoint-
ment of
secretary,
Chief Parole
Officer and
assistants.

4. The Lieutenant-Governor in Council may appoint a secretary of the Board, a Chief Parole Officer and such parole officers as he may deem necessary. R.S.O. 1937, c. 397, s. 3 (1), *part*; s. 4, *amended*.

Salaries of
chairman,
secretary
and parole
officers.

5.—(1) The chairman of the Board, the secretary and the parole officers may be paid such salary as may be determined by the Lieutenant-Governor in Council. R.S.O. 1937, c. 397, ss. 5, 6, *amended*.

Allowances
for Board
members.

(2) The members of the Board other than the chairman shall serve without salary but the Lieutenant-Governor in Council may fix a per diem allowance to be payable to the members for their attendance at the meetings of the Board or for other attendances in connection with the transaction of any business of the Board. R.S.O. 1937, c. 397, s. 7, *part*, *amended*.

Travelling
and living
expenses.

(3) The chairman and members of the Board, the secretary and the parole officers shall be entitled to reasonable and necessary travelling and living expenses while absent from home on the business of the Board as certified by the chairman of the Board. R.S.O. 1937, c. 397, s. 7, *part*, *amended*.

Payment out
of appro-
priations.

(4) All such salaries, remuneration, allowances, travelling and living expenses and all other expenses of the Board shall be paid out of such moneys as may be appropriated by the Legislature for the general purposes of the Board. R.S.O. 1937, c. 397, s. 8, *amended*.

Release of
prisoners
on parole.

6. Subject to the regulations the Board may order the release on parole of any prisoner,—

(a) in the case of a prisoner referred to in subclause i of clause *c* of section 1, upon such conditions as the Board may deem proper; and

(b) in the case of a prisoner referred to in subclause ii of clause *c* of section 1, upon conditions approved by the Minister of Justice under section 43 of the *Prisons and Reformatories Act* (Canada). R.S.O. 1937, c. 397, s. 10, *amended*.

R.S.C.,
c. 163.

Re-taking
prisoners
on breach
of conditions
of parole.

7. In the case of prisoners referred to in subclause i of clause *c* of section 1, the Board may provide that a prisoner who fails to observe the conditions of his parole may be taken into custody by a parole officer or by any person appointed for such purpose, and may be returned to the prison or other place from which he was paroled. R.S.O. 1937, c. 397, s. 11, *amended*.

8. It shall be the duty of the Board to assist prisoners on parole in securing employment with trustworthy persons and in this manner to ensure as far as possible the success of the parole system. R.S.O. 1937, c. 397, s. 12. Assistance
to prisoners.

9. It shall be the duty of every public officer or other person having information or having access to any information bearing upon the fitness of a prisoner to be paroled, to make such return in writing to the Board as may be required by the regulations. R.S.O. 1937, c. 397, s. 13. Returns.

10. The Board shall in each year, on or before the 30th day of June, make a report in writing to the Lieutenant-Governor in Council of the history and proceedings of the Board during the twelve-month period ending on the 31st day of March of such year. R.S.O. 1937, c. 397, s. 14, *amended*. Annual
report of
Board.

11. Nothing in this Act contained shall be construed as affecting or impairing or as intending or purporting to affect or impair the powers of the Governor-General of Canada or the Lieutenant-Governor of Ontario to grant a reprieve, pardon, or commutation of sentence in any case. R.S.O. 1937, c. 397, s. 15. Pardoning
powers not
affected.

12.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,— Regulations.

- (a) defining the duties, powers and responsibilities of the Board, the Chief Parole Officer, parole officers and the secretary of the Board;
- (b) defining the conditions under which a prisoner may be paroled;
- (c) prescribing the powers of the Board in dealing with a prisoner on parole who fails to comply with the terms upon which he has been paroled;
- (d) prescribing the form of returns to be made by public officers and other persons containing information as to the antecedents of any prisoner;
- (e) generally for the better carrying out of the provisions of this Act.

(2) Such of the regulations as are approved by the Minister of Justice shall have force and effect as to prisoners referred to in section 43 of the *Prisons and Reformatories Act* (Canada). R.S.O. 1937, c. 397, s. 9, *amended*. Approval
by Minister
of Justice.
R.S.C.,
c. 163.

13. *The Parole Act* is repealed.

Rev. Stat.,
c. 397, re-
pealed.

Commence-
ment of Act. **14.** This Act shall come into force on the 1st day of July,
1946.

Short title. **15.** This Act may be cited as *The Parole Act, 1946*.

BILL

The Parole Act, 1946.

1st Reading

March 4th, 1946

2nd Reading

March 6th, 1946

3rd Reading

March 11th, 1946

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. The authority of the Lieutenant-Governor in Council to make regulations under *The Farm Products Grades and Sales Act* is extended to the making of regulations relating to the matters indicated in the new clauses *g, h, i* and *j*.

SECTION 2. The new subsections 3 and 4 which are enacted will further facilitate the administration of the Act and the enforcement of the provisions thereof.

BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *ff* of subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as enacted by section 16 of *The Statute Law Amendment Act, 1943*, and clause *g* of subsection 1 of the said section 2, are repealed and the following substituted therefor:

Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. *ff*
(1943,
c. 28, s. 16),
repealed;
cl. *g*, re-
enacted.

- (g) providing for the issuing of licences for engaging in the marketing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
- (h) prohibiting persons from engaging in the marketing of farm products and from operating markets for farm products except under the authority of a licence under this Act;
- (i) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor; and
- (j) generally for the better carrying out of the provisions of this Act.

2. Section 4 of *The Farm Products Grades and Sales Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 307, s. 4,
amended.

- (3) No person shall obstruct any inspector or refuse to permit any farm product to be inspected or furnish an inspector with false information.
- (4) Every person shall, when required by an inspector, produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any farm product.

Obstruction
of inspector.

Production
of docu-
ments.

Commence-
ment of Act. **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **4.** This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1946*.

BILL

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 7th, 1946

2nd Reading

3rd Reading

MR. KENNEDY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Farm Products Grades and Sales Act.

MR. KENNEDY

BILL

An Act to amend The Farm Products Grades and Sales Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *ff* of subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as enacted by section 16 of *The Statute Law Amendment Act, 1943*, and clause *g* of subsection 1 of the said section 2, are repealed and the following substituted therefor:

Rev. Stat.,
c. 307, s. 2,
subs. 1, cl. *ff*
(1943,
c. 28, s. 16),
repealed;
cl. *g*, re-
enacted.

- (g) providing for the issuing of licences for engaging in the marketing of farm products and for operating markets for farm products and for the renewal, refusal, suspension and revocation of such licences;
- (h) prohibiting persons from engaging in the marketing of farm products and from operating markets for farm products except under the authority of a licence under this Act;
- (i) prescribing the terms and conditions upon which licences may be issued, renewed, suspended and revoked and fixing the fees payable therefor; and
- (j) generally for the better carrying out of the provisions of this Act.

2. Section 4 of *The Farm Products Grades and Sales Act* is amended by adding thereto the following subsections:

Rev. Stat.,
c. 307, s. 4,
amended.

- (3) No person shall obstruct any inspector or refuse to permit any farm product to be inspected or furnish an inspector with false information.
- (4) Every person shall, when required by an inspector, produce copies of and extracts from any books, shipping bills, bills of lading and other records relating to any farm product.

Obstruction
of inspector.

Production
of docu-
ments.

**Commence-
ment of Act.** **3.** This Act shall come into force on the day upon which it receives the Royal Assent.

Short title. **4.** This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1946*.

BILL

An Act to amend The Farm Products
Grades and Sales Act.

1st Reading

March 7th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 20th, 1946

MR. KENNEDY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Co-operative Marketing Loan Act.

MR. KENNEDY

EXPLANATORY NOTES

SECTION 1. The amendment clarifies the authority to make loans to co-operative associations of producers engaged in processing and manufacturing dairy products.

SECTION 2. The amendment to clause (a) increases the amount that may be loaned to a co-operative association other than a cold storage association from \$5,000 to \$15,000, and the amendment to clause (b) increases the loan that may be made to a co-operative cold storage association from \$50,000 to \$65,000.

BILL

An Act to amend The Co-operative Marketing Loan Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Co-operative Marketing Loan Act* is amended by striking out all the words after the word "drying" in the fourth line and inserting in lieu thereof the words "processing or marketing farm products", so that the said clause shall now read as follows:

- (a) "Co-operative association" shall mean any co-operative corporation of producers incorporated under Part XII of *The Companies Act* for the purpose of grading, cleaning, packing, storing, drying, processing or marketing farm products.

2. Section 3 of *The Co-operative Marketing Loan Act* is amended by striking out the symbol and figures "\$5,000" in the third line of clause *a* and inserting in lieu thereof the symbol and figures "\$15,000", and by striking out the symbol and figures "\$50,000" in the fifth line of clause *b* and inserting in lieu thereof the symbol and figures "\$65,000", so that the said section shall now read as follows:

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make loans to co-operative associations to assist in carrying out their objects to the following extent, namely:

- (a) in the case of a co-operative association other than a cold storage association, to an amount not exceeding \$15,000;
- (b) in the case of a co-operative cold storage association to an amount not exceeding fifty per centum of the approved value of the property on which the loan is to be made, but in no case to exceed the sum of \$65,000.

3. This Act may be cited as *The Co-operative Marketing Loan Amendment Act, 1946*.

BILL

An Act to amend The Co-operative
Marketing Loan Act.

1st Reading

March 7th, 1946

2nd Reading

3rd Reading

MR. KENNEDY

No. 66

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Co-operative Marketing Loan Act.

MR. KENNEDY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act to amend The Co-operative Marketing Loan Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Co-operative Marketing Loan Act* is amended by striking out all the words after the word "drying" in the fourth line and inserting in lieu thereof the words "processing or marketing farm products", so that the said clause shall now read as follows:

Rev. Stat.,
c. 85, s. 1,
cl. *a*,
amended.

(a) "Co-operative association" shall mean any co-operative corporation of producers incorporated under Part XII of *The Companies Act* for the purpose of grading, cleaning, packing, storing, drying, processing or marketing farm products.

"Co-operative association".
Rev. Stat.,
c. 251.

2. Section 3 of *The Co-operative Marketing Loan Act* is amended by striking out the symbol and figures "\$5,000" in the third line of clause *a* and inserting in lieu thereof the symbol and figures "\$15,000", and by striking out the symbol and figures "\$50,000" in the fifth line of clause *b* and inserting in lieu thereof the symbol and figures "\$65,000", so that the said section shall now read as follows:

Rev. Stat.,
c. 85, s. 3,
amended.

3. The Lieutenant-Governor in Council, upon the recommendation of the Minister, may make loans to co-operative associations to assist in carrying out their objects to the following extent, namely:

Limitation
as to loan.

- (a) in the case of a co-operative association other than a cold storage association, to an amount not exceeding \$15,000;
- (b) in the case of a co-operative cold storage association to an amount not exceeding fifty per centum of the approved value of the property on which the loan is to be made, but in no case to exceed the sum of \$65,000.

3. This Act may be cited as *The Co-operative Marketing Loan Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Co-operative
Marketing Loan Act.

1st Reading

March 7th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 20th, 1946

MR. KENNEDY

No. 67

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to provide for the Establishment of the Ontario Food Terminal.

MR. KENNEDY

EXPLANATORY NOTES

GENERAL. The Bill provides for the appointment of a Board to be known as the Ontario Food Terminal Board. The members will be appointed by the Lieutenant-Governor in Council. The principal object of the Board is to establish a wholesale fruit and produce terminal market to be known as the Ontario Food Terminal and other objects of the Board are incidental thereto. The Bill follows the same plan and principles as *The Stock Yards Act, 1944*.

All the sections of the Bill are self-explanatory.

No. 67

1946

BILL

An Act to provide for the Establishment of the
Ontario Food Terminal.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean the Ontario Food Terminal "Board";
Board;
- (b) "fruit and produce" shall include canned foods, dairy "fruit and
products, eggs, fish, honey, maple products, poultry produce";
and vegetables;
- (c) "manager" shall mean manager appointed under this "manager";
Act;
- (d) "Minister" shall mean Minister of Agriculture; "Minister";
- (e) "regulations" shall mean regulations made under this "regula-
tions";
Act;
- (f) "securities" shall include bonds, debentures and pro- "secur-
missory notes; and ities";
- (g) "Terminal" shall mean Ontario Food Terminal. "Terminal".

2.—(1) There shall be a board to be known as the Ontario Ontario
Food Terminal Board which shall be a body corporate and the Food
Board shall have a corporate seal in the form prescribed by the Terminal
regulations. Board.

(2) The Board shall consist of not more than seven persons Members of
appointed by the Lieutenant-Governor in Council. Board.

(3) The Lieutenant-Governor in Council may appoint one Chairman,
of the members of the Board to be chairman and one of the vice-chair-
members to be vice-chairman. man.

Quorum. (4) A majority of the members of the Board shall constitute a quorum.

Allowances and expenses. (5) The members of the Board shall receive such fees and expenses as the Lieutenant-Governor in Council may determine and any member of the Board who is charged with the performance of any special services may be paid such additional remuneration therefor as the Lieutenant-Governor in Council may determine.

Officers, remuneration. **3.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may appoint a manager of the Terminal and such officers as may be prescribed by the regulations and fix their remuneration, and the appointment of any person as a manager or other officer shall not disqualify him from acting as chairman, vice-chairman or a member of the Board.

Employees. (2) Subject to the approval of the Board the manager of the Terminal may appoint such employees as he deems necessary and fix their salaries or other remuneration.

Objects of Board. **4.**—(1) The objects of the Board shall be to,—

(a) acquire, construct, equip and operate a wholesale fruit and produce market in the County of York to be known as the Ontario Food Terminal and acquire and operate such facilities for the transportation and handling of fruit and produce as may be necessary for the purposes of the Terminal; and

(b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.

Power to borrow money and issue securities. (2) The Board shall have power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine.

General objects and powers. Rev. Stat., c. 251. (3) The Board shall have the objects and powers set out in section 24 of *The Companies Act*.

Agreements. **5.** The Board may rent space in the Terminal to such persons and upon such terms as to the Board may seem proper and may make such arrangement and enter into such agreement with any such person as it may deem advisable in the circumstances.

Guarantee by Province. **6.**—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to

guarantee the payment of any securities issued by the Board, the repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council. ^{Form of guarantee.}

7. All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to,— ^{Application of moneys.}

- (a) operating expenses;
- (b) payment of interest on indebtedness; and
- (c) repayment of principal moneys borrowed,

and any surplus moneys remaining in any year after paying for operating expenses, interest on indebtedness and the repayment of any part of the principal moneys payable in that year shall be used in reducing the cost of operating the Terminal, reducing the fees, rents or other charges charged or made by the Board or for the setting up of such reserve funds as the Board may determine.

8. The Board shall, not later than the 31st day of January in every year, make an annual report to the Minister upon its operations during the preceding year and such report shall be laid before the Assembly as soon as may be. ^{Annual report of Board.}

9. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario. ^{Audit.}

10. The Board may be sued and may institute or defend proceedings in any court. ^{Authority to sue and be sued.}

11. The real and personal property, business and income of the Board shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature but, with the approval of the Lieutenant-Governor in Council, any land owned by the Board may be made subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality, or at such value as may be agreed upon by the council of the local municipality and the Board. ^{Taxation.}

Markets
in Toronto,
York and
Peel.

12. No person shall establish or operate within the City of Toronto or the Counties of York or Peel any market or business for the sale by wholesale of canned foods, dairy products, eggs, fish, fruit, honey, maple products, poultry, vegetables or other produce except with the approval of the Board, but this section shall not apply to any such market or business which is being regularly and continuously operated at the time of the coming into force of this Act so long as it is not extended or enlarged.

Regula-
tions.

13. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

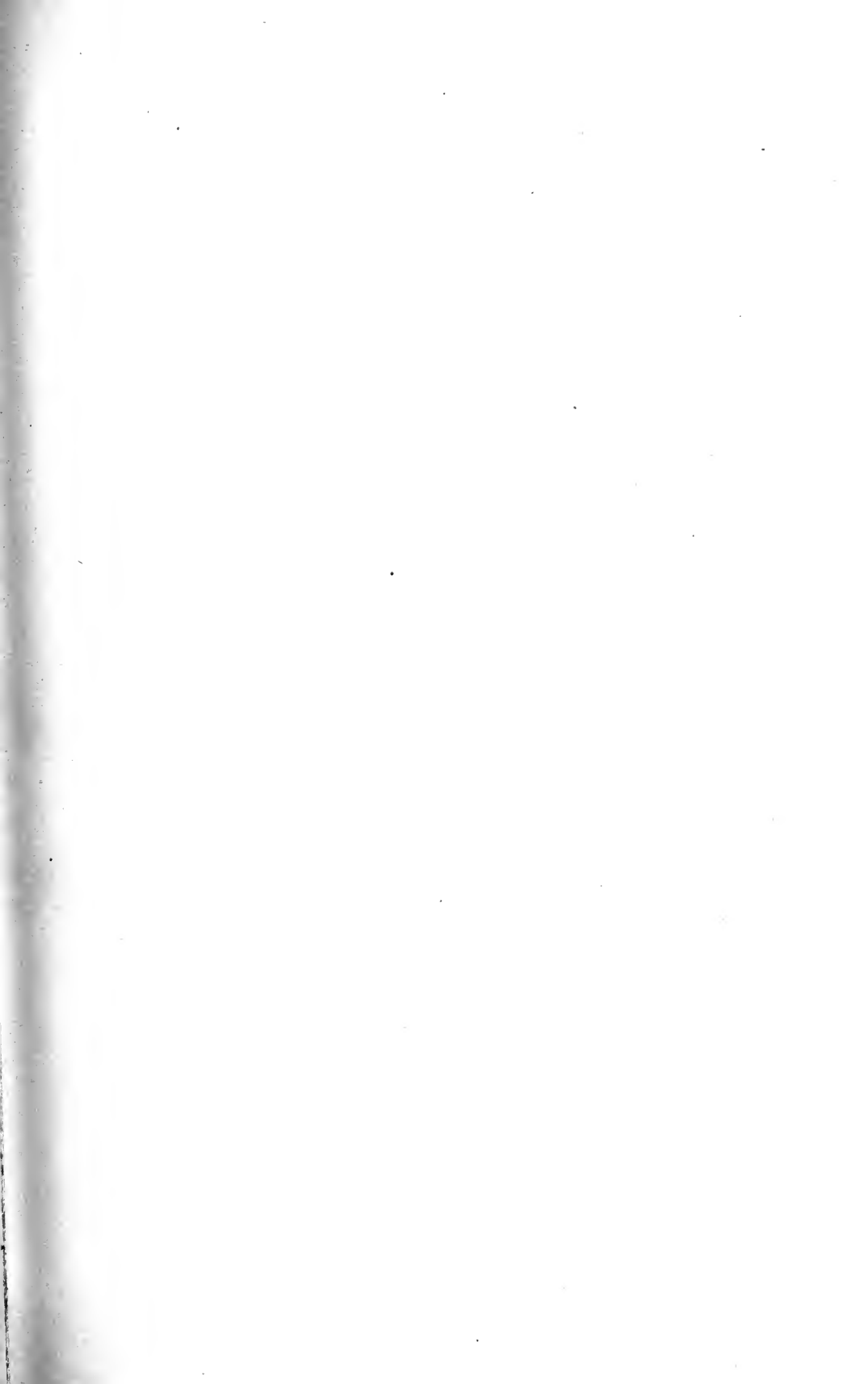
- (a) prescribing the officers of the Board and prescribing the powers and duties of such officers and of the manager;
- (b) prescribing the form of the seal of the Board;
- (c) limiting or regulating the objects and powers of the Board or the exercise thereof;
- (d) prescribing the records, books and accounts to be kept by the Board;
- (e) regulating the operation and management of the Terminal; and
- (f) generally for the better carrying out of the intent and purpose of this Act.

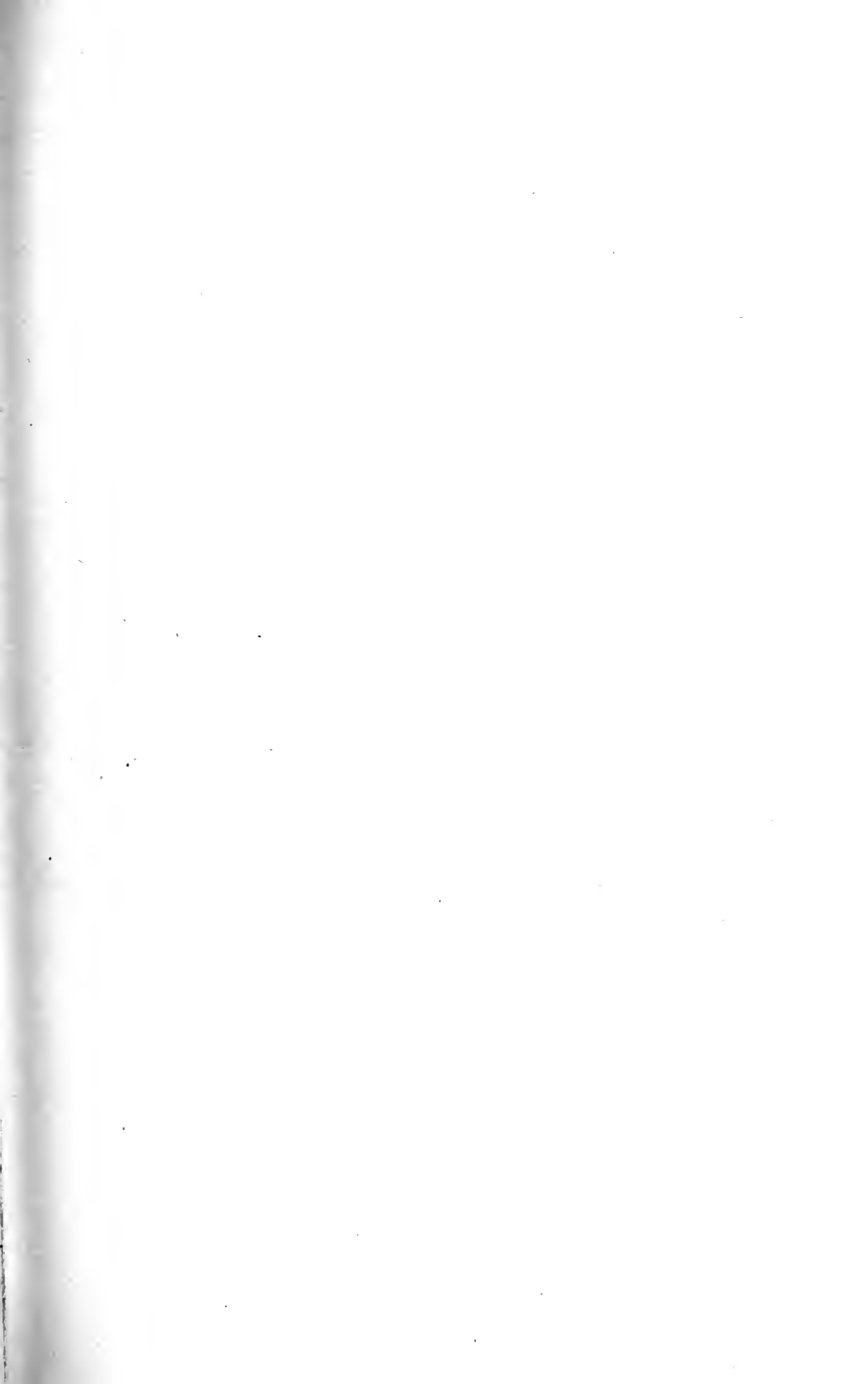
Commence-
ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Ontario Food Terminal Act, 1946*.





BILL

An Act to provide for the Establishment of
the Ontario Food Terminal.

1st Reading

March 7th, 1946

2nd Reading

3rd Reading

MR. KENNEDY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to provide for the Establishment of the Ontario Food Terminal.

MR. KENNEDY

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

GENERAL. The Bill provides for the appointment of a Board to be known as the Ontario Food Terminal Board. The members will be appointed by the Lieutenant-Governor in Council. The principal object of the Board is to establish a wholesale fruit and produce terminal market to be known as the Ontario Food Terminal and other objects of the Board are incidental thereto. The Bill follows the same plan and principles as *The Stock Yards Act, 1944*.

All the sections of the Bill are self-explanatory.

BILL

An Act to provide for the Establishment of the
Ontario Food Terminal.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" shall mean the Ontario Food Terminal "Board";
Board;
- (b) "fruit and produce" shall include canned foods, dairy "fruit and
products, eggs, fish, honey, maple products, poultry produce";
and vegetables;
- (c) "manager" shall mean manager appointed under this "manager";
Act;
- (d) "Minister" shall mean Minister of Agriculture; "Minister";
- (e) "regulations" shall mean regulations made under this "regula-
tions";
Act;
- (f) "securities" shall include bonds, debentures and pro- "secur-
missory notes; and ities";
- (g) "Terminal" shall mean Ontario Food Terminal. "Terminal".

2.—(1) There shall be a board to be known as the Ontario Ontario
Food Terminal B ard which shall be a body corporate and the Food
Board shall have a corporate seal in the form prescribed by the Terminal
regulations. Board.

(2) The Board shall consist of not more than seven persons Members of
appointed by the Lieutenant-Governor in Council. Board.

(3) The Lieutenant-Governor in Council may appoint one Chairman,
of the members of the Board to be chairman and one of the vice-chair-
members to be vice-chairman. man.

Quorum. (4) A majority of the members of the Board shall constitute a quorum.

Allowances and expenses. (5) The members of the Board shall receive such fees and expenses as the Lieutenant-Governor in Council may determine and any member of the Board who is charged with the performance of any special services may be paid such additional remuneration therefor as the Lieutenant-Governor in Council may determine.

Officers, remuneration. **3.**—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may appoint a manager of the Terminal and such officers as may be prescribed by the regulations and fix their remuneration, and the appointment of any person as a manager or other officer shall not disqualify him from acting as chairman, vice-chairman or a member of the Board.

Employees. (2) Subject to the approval of the Board the manager of the Terminal may appoint such employees as he deems necessary and fix their salaries or other remuneration.

Objects of Board. **4.**—(1) The objects of the Board shall be to,—

(a) acquire, construct, equip and operate a wholesale fruit and produce market in the County of York to be known as the Ontario Food Terminal and acquire and operate such facilities for the transportation and handling of fruit and produce as may be necessary for the purposes of the Terminal; and

(b) do such other acts as may be necessary or expedient for the carrying out of its operations and undertakings.

Power to borrow money and issue securities. (2) The Board shall have power to borrow money and to issue securities for the purpose of carrying out any of its objects and to make such securities payable as to principal and interest at such time or times and in such manner and at such place or places as the Board may determine.

General objects and powers. Rev. Stat., c. 251. (3) The Board shall have the objects and powers set out in section 24 of *The Companies Act*.

Agreements. **5.** The Board may rent space in the Terminal to such persons and upon such terms as to the Board may seem proper and may make such arrangement and enter into such agreement with any such person as it may deem advisable in the circumstances.

Guarantee by Province. **6.**—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to



guarantee the payment of any securities issued by the Board, the repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council. ^{Form of guarantee.}

7. All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to,— ^{Application of moneys.}

- (a) operating expenses;
- (b) payment of interest on indebtedness; and
- (c) repayment of principal moneys borrowed,

and any surplus moneys remaining in any year after paying for operating expenses, interest on indebtedness and the repayment of any part of the principal moneys payable in that year shall be used in reducing the cost of operating the Terminal, reducing the fees, rents or other charges charged or made by the Board or for the setting up of such reserve funds as the Board may determine.

8. The Board shall, not later than the 31st day of January in every year, make an annual report to the Minister upon its operations during the preceding year and such report shall be laid before the Assembly as soon as may be. ^{Annual report of Board.}

9. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario. ^{Audit.}

10. The Board may be sued and may institute or defend proceedings in any court. ^{Authority to sue and be sued.}

11. The real and personal property, business and income of the Board shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature but, with the approval of the Lieutenant-Governor in Council, any land owned by the Board may be made subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality, or at such value as may be agreed upon by the council of the local municipality and the Board. ^{Taxation.}

Markets
in Toronto,
York and
Peel.

12. No person shall establish or operate within the City of Toronto or the Counties of York or Peel any market for the sale by wholesale of fruit and vegetables or other produce except with the approval of the Board, but this section shall not apply to any such market which is being regularly and continuously operated at the time of the coming into force of this Act so long as it is not extended or enlarged.

Regula-
tions.

13. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the officers of the Board and prescribing the powers and duties of such officers and of the manager;
- (b) prescribing the form of the seal of the Board;
- (c) limiting or regulating the objects and powers of the Board or the exercise thereof;
- (d) prescribing the records, books and accounts to be kept by the Board;
- (e) regulating the operation and management of the Terminal; and
- (f) generally for the better carrying out of the intent and purpose of this Act.

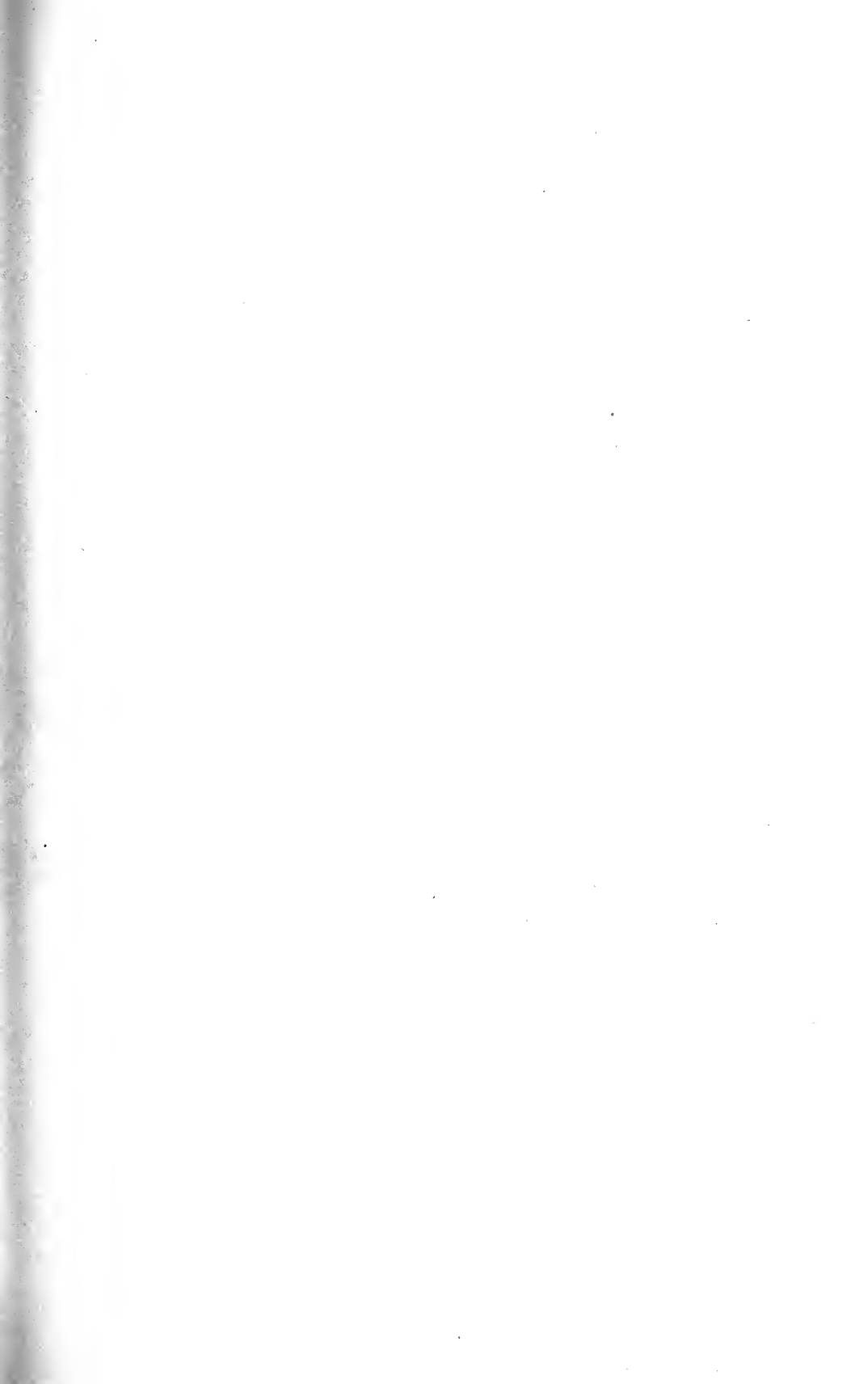
Commence-
ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Ontario Food Terminal Act, 1946*.





BILL

An Act to provide for the Establishment of
the Ontario Food Terminal.

1st Reading

March 7th, 1946

2nd Reading

March 11th, 1946

3rd Reading

MR. KENNEDY

(*Reprinted as amended in Committee of the
Whole House.*)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to provide for the Establishment of the Ontario Food Terminal.

MR. KENNEDY

BILL

An Act to provide for the Establishment of the
Ontario Food Terminal.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

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(2) The Board shall consist of not more than seven persons Members of
appointed by the Lieutenant-Governor in Council. Board.

(3) The Lieutenant-Governor in Council may appoint one Chairman,
of the members of the Board to be chairman and one of the vice-chair-
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Quorum.

(4) A majority of the members of the Board shall constitute a quorum.

Allowances and expenses.

(5) The members of the Board shall receive such fees and expenses as the Lieutenant-Governor in Council may determine and any member of the Board who is charged with the performance of any special services may be paid such additional remuneration therefor as the Lieutenant-Governor in Council may determine.

Officers, remuneration.

3.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Board may appoint a manager of the Terminal and such officers as may be prescribed by the regulations and fix their remuneration, and the appointment of any person as a manager or other officer shall not disqualify him from acting as chairman, vice-chairman or a member of the Board.

Employees.

(2) Subject to the approval of the Board the manager of the Terminal may appoint such employees as he deems necessary and fix their salaries or other remuneration.

Objects of Board.

4.—(1) The objects of the Board shall be to,—

(a) acquire, construct, equip and operate a wholesale fruit and produce market in the County of York to be known as the Ontario Food Terminal and acquire and operate such facilities for the transportation and handling of fruit and produce as may be necessary for the purposes of the Terminal; and

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General objects and powers. Rev. Stat., c. 251.

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Agreements.

5. The Board may rent space in the Terminal to such persons and upon such terms as to the Board may seem proper and may make such arrangement and enter into such agreement with any such person as it may deem advisable in the circumstances.

Guarantee by Province.

6.—(1) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to

guarantee the payment of any securities issued by the Board, the repayment of any advances made by banks to the Board and the payment of any other indebtedness incurred by the Board.

(2) The form of any such guarantee and the manner of its execution shall be determined by the Lieutenant-Governor in Council. ^{Form of guarantee.}

7. All moneys received by the Board from the operation of its undertakings or otherwise shall be applied to, — ^{Application of moneys.}

(a) operating expenses;

(b) payment of interest on indebtedness; and

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8. The Board shall, not later than the 31st day of January in every year, make an annual report to the Minister upon its operations during the preceding year and such report shall be laid before the Assembly as soon as may be. ^{Annual report of Board.}

9. The books and accounts of the Board shall be audited and checked from time to time by the Provincial Auditor or such other auditor as the Lieutenant-Governor in Council may designate and such auditor shall make an annual report to the Treasurer of Ontario. ^{Audit.}

10. The Board may be sued and may institute or defend proceedings in any court. ^{Authority to sue and be sued.}

11. The real and personal property, business and income of the Board shall be exempt from all assessment and taxation made, imposed or levied by or under the authority of any Act of this Legislature but, with the approval of the Lieutenant-Governor in Council, any land owned by the Board may be made subject to assessment and taxation for municipal and school purposes at the actual value thereof according to the average value of the land in the locality, or at such value as may be agreed upon by the council of the local municipality and the Board. ^{Taxation.}

Markets
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Regula-
tions.

13. Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

- (a) prescribing the officers of the Board and prescribing the powers and duties of such officers and of the manager;
- (b) prescribing the form of the seal of the Board;
- (c) limiting or regulating the objects and powers of the Board or the exercise thereof;
- (d) prescribing the records, books and accounts to be kept by the Board;
- (e) regulating the operation and management of the Terminal; and
- (f) generally for the better carrying out of the intent and purpose of this Act.

Commence-
ment of Act.

14. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

15. This Act may be cited as *The Ontario Food Terminal Act, 1946*.

BILL

An Act to provide for the Establishment of
the Ontario Food Terminal.

1st Reading

March 7th, 1946

2nd Reading

March 11th, 1946

3rd Reading

March 21st, 1946

MR. KENNEDY

No. 68

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Evidence Act.

MR. BLACKWELL

EXPLANATORY NOTE

The provision abrogates what is known in law as the rule in *Russell vs. Russell*. The principle involved in the section has been a matter of careful study by the Conference of Commissioners on Uniformity of Legislation in Canada and the section in the form in which it appears in this Bill was prepared and approved by the Conference.

No. 68

1946

BILL

An Act to amend The Evidence Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Evidence Act* is amended by adding thereto the following section: Rev. Stat.,
c. 119,
amended.

5a. Without limiting the generality of section 5, a husband or a wife may in any action, give evidence that he or she did or did not have sexual intercourse with the other party to the marriage at any time or within any period of time before or during the marriage.

2. This Act may be cited as *The Evidence Amendment Act*, Short title. 1946.

BILL.

An Act to amend The Evidence Act.

1st Reading

March 7th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL.

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Evidence Act.

MR. BLACKWELL

No. 68

1946

BILL

An Act to amend The Evidence Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Evidence Act* is amended by adding thereto the following section: Rev. Stat.,
c. 119,
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5a. Without limiting the generality of section 5, a husband or a wife may in any action, give evidence that he or she did or did not have sexual intercourse with the other party to the marriage at any time or within any period of time before or during the marriage.

2. This Act may be cited as *The Evidence Amendment Act*, Short title. 1946.

An Act to amend The Evidence Act.

1st Reading

March 7th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 20th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Mothers' Allowances Act.

MR. GOODFELLOW

EXPLANATION NOTE

Subsection 1 provides for payment of a mother's allowance to a woman who has been deserted by and has not heard from her husband for one year. The period presently prescribed by the Act is three years.

Subsection 2 makes provision for the allowance to be paid until the end of the school year for a child who reaches the age of sixteen years during the school term.

BILL

An Act to amend The Mothers' Allowances Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 2 of *The Mothers' Allowances Act* is amended by striking out the words "three years" in the fourth line and inserting in lieu thereof the words "one year" so that the said clause shall now read as follows:

Rev. Stat.,
c. 313, s. 2,
subs. 1,
cl. (a),
amended.

(a) is a widow, or the wife of a man who is permanently unemployable by reason of mental or physical disability, or of a man who has deserted her and has not been heard of for at least one year.

(2) The said section 2 is amended by adding thereto the following subsection:

Rev. Stat.,
c. 313, s. 2,
amended.

(2a) Where a child in respect of whom an allowance is being paid is attending school and reaches the age of sixteen years during the school year, the allowance shall, subject to the other provisions of this Act and the regulations, continue to be paid until the conclusion of the school year unless the child sooner ceases to attend school.

Reaching
sixteen
years of
age during
school year.

2. This Act may be cited as *The Mothers' Allowances Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Mothers' Allowances Act.

1st Reading

March 7th, 1946

2nd Reading

3rd Reading

MR. GOODFELLOW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Mothers' Allowances Act.

MR. GOODFELLOW

BILL

An Act to amend The Mothers' Allowances Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of subsection 1 of section 2 of *The Mothers' Allowances Act* is amended by striking out the words "three years" in the fourth line and inserting in lieu thereof the words "one year" so that the said clause shall now read as follows: Rev. Stat.,
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sixteen
years of
age during
school year.

2. This Act may be cited as *The Mothers' Allowances Amendment Act, 1946*. Short title.

BILL

An Act to amend 'The Mothers'
Allowances Act.

1st Reading

March 7th, 1946

2nd Reading

March 8th, 1946

3rd Reading

March 26th, 1946

MR. GOODFELLOW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Warehouse Receipts.

MR. BLACKWELL

EXPLANATORY NOTES

This Bill prescribes the law applicable to warehouse receipts. It was prepared and is recommended for adoption by the Conference of Commissioners on Uniformity of Legislation in Canada. Its enactment has also been requested by the Canadian Warehousemen's Association.

This Bill is similar to the Act which is now in force in most of the States of the Union. It was enacted in British Columbia in 1945 and the Speech from the Throne read at the commencement of the current session of the Manitoba Legislature referred to its introduction there.

BILL

An Act respecting Warehouse Receipts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "action" includes counterclaim and set-off; "action";
- (b) "fungible goods" means goods of which any unit is, from its nature or by mercantile custom, treated as the equivalent of any other unit; "fungible goods";
- (c) "goods" includes all chattels personal other than things in action and money; "goods";
- (d) "holder", as applied to a negotiable receipt, means a person who has possession of the receipt and a right of property therein, and, as applied to a non-negotiable receipt, means a person named therein as the person to whom the goods are to be delivered or his transferee; "holder";
- (e) "negotiable receipt" means a receipt in which it is stated that the goods therein specified will be delivered to bearer or to the order of a named person; "negotiable receipt";
- (f) "non-negotiable receipt" means a receipt in which it is stated that the goods therein specified will be delivered to the holder thereof; "non-negotiable receipt";
- (g) "purchaser" includes mortgagee and pledgee; "purchaser";
- (h) "receipt" means a warehouse receipt; "receipt";
- (i) "to purchase" includes to take as mortgagee or as pledgee; "to purchase";
- (j) "warehouse receipt" means an acknowledgment in

writing by a warehouseman of the receipt for storage of goods not his own; and

"warehouseman".

- (k) "warehouseman" means a person who receives goods for storage for reward.

Form of receipts.

2.—(1) A receipt shall contain the following particulars,—

- (a) the location of the warehouse or other place where the goods are stored;
- (b) the name of the person by whom or on whose behalf the goods are deposited;
- (c) the date of issue of the receipt;
- (d) a statement either,
 - (i) that the goods received will be delivered to the holder thereof, or
 - (ii) that the goods will be delivered to bearer or to the order of a named person;
- (e) the rate of storage charges;
- (f) a description of the goods or of the packages containing them;
- (g) the signature of the warehouseman or his authorized agent; and
- (h) a statement of the amount of any advance made and of any liability incurred for which the warehouseman claims a lien.

Omission of particulars.

(2) Where a warehouseman omits from a negotiable receipt any of the particulars set forth in subsection 1 he shall be liable for damage caused by the omission.

Idem.

(3) No receipt shall by reason of the omission of any of the particulars set forth in subsection 1 be deemed not to be a warehouse receipt.

Insertions.

(4) A warehouseman may insert in a receipt, issued by him, any other term or condition that,—

- (a) is not contrary to any provision of this Act; and
- (b) does not impair his obligation to exercise such care and diligence in regard to the goods as a careful and

SECTIONS 2, 3: Provide generally for the particulars to be contained in a warehouse receipt, and that upon delivery or mailing, the receipt shall constitute the contract between the warehouseman and the owner or bailor of the goods.

SECTION 4. Provides for the issue of a duplicate receipt where the original is lost or destroyed, and the effect of the duplicate on the rights and liabilities of the parties.

SECTIONS 5, 6, 7. Provide for the marking of all receipts as either negotiable or non-negotiable, and the conditions under which delivery of the goods will be made.

vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

(5) Subject to the provisions of this Act, a warehouse receipt issued by a warehouseman, when delivered to the owner or bailor of the goods or mailed to him at his address last known to the warehouseman, shall constitute the contract between the owner or bailor and the warehouseman; provided that the owner or bailor may within twenty days after such delivery or mailing notify the warehouseman in writing that he does not accept such contract and thereupon he shall remove the goods deposited subject to the warehouseman's lien for charges and if such notice is not given then the said warehouse receipt so delivered or mailed shall constitute the contract.

Contract constituted.

Proviso.

3. Words in a negotiable receipt limiting its negotiability shall be void.

Negotiable and non-negotiable receipts.

4.—(1) No more than one receipt shall be issued in respect of the same goods except in case of a lost or destroyed receipt, in which case the new receipt, if one is given, shall bear the same date as the original, and shall be plainly marked on its face "duplicate".

Marking of duplicate receipts.

(2) A warehouseman shall be liable for all damage caused by his failure to observe the provisions of subsection 1 to any person who purchases the subsequent receipt for valuable consideration, believing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Liability when not so marked.

(3) A receipt upon the face of which the word "duplicate" is plainly marked is a representation and warranty by the warehouseman that it is an accurate copy of a receipt properly issued and uncanceled at the date of the issue of the duplicate.

Effect of duplicate receipts.

5.—(1) A warehouseman who issues a non-negotiable receipt shall cause to be plainly marked upon its face the words "non-negotiable" or "not negotiable".

Marking of non-negotiable receipts.

(2) Where a warehouseman fails to comply with subsection 1, a holder of the receipt who purchases it for valuable consideration believing it to be negotiable may, at his option, treat the receipt as vesting in him all rights attaching to a negotiable receipt and imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable, and the warehouseman shall be liable accordingly.

Failure to mark.

6.—(1) A warehouseman in the absence of lawful excuse shall deliver the goods referred to therein,—

Duty to deliver.

(a) in the case of a negotiable receipt, to the bearer thereof upon demand made by the bearer and upon the bearer,

(i) satisfying the warehouseman's lien,

(ii) surrendering the receipt with such endorsements as are necessary for the negotiation of the receipt, and

(iii) acknowledging in writing the delivery of the goods; and

(b) in the case of a non-negotiable receipt, to the holder thereof upon the holder,

(i) satisfying the warehouseman's lien, and

(ii) acknowledging in writing the delivery of the goods.

Failure to deliver.

(2) Where a warehouseman refuses or fails to deliver the goods in compliance with subsection 1, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for his refusal or failure.

Delivery on presentation of a negotiable receipt.

7. Where a person is in possession of a negotiable receipt that has been duly endorsed to him or endorsed in blank, or by the terms of which the goods are deliverable to him or his order or to bearer, if delivery is made in good faith and without notice of any defect in the title of that person the warehouseman is justified in delivering the goods to that person.

Negotiable receipts must be cancelled on delivery of goods.

8.—(1) Except as provided in section 18, where a warehouseman delivers goods for which he has issued a negotiable receipt and fails to take up and cancel the receipt, he shall be liable, for failure to deliver the goods, to anyone who purchases the receipt in good faith and for valuable consideration, whether he acquired title to the receipt before or after delivery of the goods by the warehouseman.

Negotiable receipts to be marked on delivery of part of goods.

(2) Except as provided in section 18, where a warehouseman delivers part of the goods for which he has issued a negotiable receipt and fails either to take up and cancel the receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable, for failure to deliver all the goods specified in the receipt, to anyone who purchases the receipt in good faith and for valuable consideration, whether the purchaser acquired title to the receipt before or after the delivery of any portion of the goods.

SECTION 8. Prescribes, in the case of a negotiable receipt, the liability of a warehouseman who delivers goods and fails to take up the receipt, or delivers part of the goods and fails to cancel the receipt or note upon it the fact of delivery of part of the goods.

SECTION 9. Provides authority in a judge of the Supreme Court to authorize delivery of the goods where it is proved that a negotiable receipt is lost.

SECTION 10. Permits the warehouseman to refuse delivery in the case of an adverse claim until he has determined the validity of the claim or has commenced interpleader proceedings.

SECTION 11. Prevents the warehouseman from denying the receipt of the goods to the purchaser for valuable consideration of a negotiable receipt.

SECTIONS 12 and 13. Provide for the liability of the warehouseman as to goods described in a receipt merely by marks, packages, etc., stated by the depositor to be goods of a certain kind. Section 13 provides for the general duty of care of a warehouseman.

9. Where a negotiable receipt has been lost or destroyed Lost or destroyed receipts. a judge of the Supreme Court upon application after notice to the warehouseman by the person lawfully entitled to possession of the goods may upon satisfactory proof of such loss or destruction order the delivery of the goods upon the giving of a bond with sufficient sureties to be approved in accordance with the practice of the court to indemnify the warehouseman against any liability, cost or expense he may be under or be put to by reason of the original receipt remaining outstanding, and the warehouseman shall be entitled to his costs of the application.

10. Where a warehouseman has information that a person other than the holder of a receipt claims to be the owner of or entitled to the goods he may refuse to deliver the goods until he has had a reasonable time not exceeding ten days, to ascertain the validity of the adverse claim or to commence interpleader proceedings. Warehouseman has reasonable time to determine validity of claims.

11. A negotiable receipt shall in the hands of a holder who has purchased it for valuable consideration be conclusive evidence of the receipt by the warehouseman of the goods therein described as against the warehouseman and any person signing the same on his behalf, notwithstanding that the goods or some part thereof may not have been so received unless the holder of the negotiable receipt has actual notice at the time of receiving same, that the goods have not in fact been received. Conclusiveness of negotiable receipt.

12. Where goods are described in a receipt merely by a statement,— Description of goods in receipt.

- (a) of certain marks or labels on the goods or on the packages containing them;
- (b) that the goods are said by the depositor to be goods of a certain kind; or
- (c) that the packages containing the goods are said by the depositor to contain goods of a certain kind,

or by a statement of import similar to that of clause *a*, *b* or *c* the statement shall not impose any liability on the warehouseman in respect of the nature, kind or quality of the goods, but shall be deemed to be a representation by the warehouseman either that the marks or labels were in fact on the goods or packages or that the goods were in fact described by the depositor as stated, or that the packages containing the goods were in fact described by the depositor as containing goods of a certain kind, as the case may be.

Liability for
care of
goods.

13. A warehouseman shall be liable for loss of or injury to goods caused by his failure to exercise such care and diligence in regard to them as a careful and vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

Co-mingled
goods and
warehouse-
man's
liability
therefor.

14. Where authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade, and in that case the holders of the receipts for the mingled goods shall own the entire mass in common, and each holder shall be entitled to such proportion thereof as the quantity shown by his receipt to have been deposited bears to the whole.

Attachment
or levy upon
goods for
which a
negotiable
receipt has
been issued.

15. Where goods are delivered to a warehouseman by the owner or person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter while in the possession of the warehouseman, be levied under an execution, unless the receipt is first surrendered to the warehouseman.

Negotiable
receipt must
state charges
for which
lien is
claimed.

16. Where a negotiable receipt is issued for goods, the warehouseman shall have no lien on the goods, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed.

Perishable
and
hazardous
goods.

17.—(1) Where goods are of a perishable nature, or by keeping will deteriorate greatly in value, or injure other property, the warehouseman may give such notice as is reasonable and possible under the circumstances to the holder of the receipt for the goods if the name and address of the holder is known to the warehouseman or if not known to him then to the depositor, requiring him to satisfy the lien upon the goods, and to remove them from the warehouse, and on the failure of such person to satisfy the lien and remove the goods within the time specified in the notice, the warehouseman may sell the goods at public or private sale without advertising.

Giving of
notice.

(2) The notice referred to in subsection 1 may be given by sending it by registered letter post addressed to the person to whom it is to be given at the person's last known place of address and the notice shall be deemed to be given on the day following the mailing.

Disposal
of goods.

(3) If the warehouseman after a reasonable effort is unable to sell the goods, he may dispose of them in any manner he may think fit, and shall incur no liability by reason thereof.

SECTION 14. Gives authority to a warehouseman to mingle fungible goods.

SECTION 15. Exempts goods for which a negotiable receipt has been issued from being subject to execution except after delivery of the receipt to the warehouseman.

SECTIONS 16, 17 and 18. Prescribes the warehouseman's lien on goods and the satisfaction thereof in the case of perishable or hazardous goods.

SECTIONS 19 to 28. Provide generally for the negotiation and transfer of negotiable and non-negotiable receipts respectively. These sections provide for the legal rights and liabilities arising for all parties affected upon such negotiation.

(4) The warehouseman shall from the proceeds of any sale made pursuant to this section, satisfy his lien and shall hold the balance in trust for the holder of the receipt. Proceeds of sale.

18. Where goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of pursuant to the provisions of section 17, the warehouseman shall not be liable for failure to deliver the goods to the holder of the receipt. Effect of sale.

19.—(1) A negotiable receipt may be negotiated by delivery in either of the following cases,— Negotiation of negotiable receipts by delivery and by endorsement.

(a) where, by the terms of the receipt the warehouseman undertakes to deliver the goods to the bearer; or

(b) where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a named person, and that person or a subsequent endorsee has endorsed it in blank or to bearer.

(2) Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been endorsed in blank or to bearer the receipt may be negotiated by the bearer endorsing the same to a named person, and in that case the receipt shall thereafter be negotiated by the endorsement of the endorsee or a subsequent endorsee, or by delivery if it is again endorsed in blank or to bearer.

(3) Where, by the terms of a negotiable receipt, the goods are deliverable to the order of a named person, the receipt may be negotiated by the endorsement of that person.

(4) An endorsement pursuant to subsection 3 may be in blank, to bearer or to a named person and if the endorsement is to a named person, the receipt may be again negotiated by endorsement in blank, to bearer or to another named person and subsequent negotiation may be made in like manner.

20. The goods covered by a non-negotiable receipt may be transferred by the holder by delivery to a purchaser or donee of the goods of a transfer in writing executed by the holder, but the transfer shall not affect or bind the warehouseman until he is notified in writing thereof. Transfer of receipts.

21.—(1) A person to whom the goods covered by a non-negotiable receipt are transferred acquires, as against the transferor,— Rights of person to whom a receipt has been transferred.

(a) the title to the goods; and

- (b) the right to deposit with the warehouseman the transfer or duplicate thereof or to give notice in writing to the warehouseman of the transfer.

Idem.

(2) The transferee acquires the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt upon,—

- (a) deposit of the transfer of the goods; or
- (b) giving notice in writing of the transfer and upon the warehouseman having a reasonable opportunity of verifying the transfer.

Rights of person to whom a receipt has been negotiated.

22. A person to whom a negotiable receipt is duly negotiated acquires,—

- (a) such title to the goods as the person negotiating the receipt to him had or had ability to transfer to a purchaser in good faith for valuable consideration and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of receipt had or had ability to transfer to a purchaser in good faith for valuable consideration; and
- (b) the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman has contracted directly with him.

Transfer of negotiable receipt without endorsement.

23. Where a negotiable receipt is transferred for valuable consideration by delivery, and the endorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt, unless a contrary intention appears and the negotiation shall take effect as of the time when the endorsement is made.

Warranties on sale of receipt.

24. A person who for valuable consideration negotiates or transfers a receipt by endorsement or delivery, including one who assigns for valuable consideration a claim secured by a receipt, unless a contrary intention appears, warrants,—

- (a) that the receipt is genuine;
- (b) that he has a legal right to negotiate or transfer it;
- (c) that he has no knowledge of any fact that would impair the validity of the receipt; and
- (d) that he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties

had been to transfer without a receipt the goods represented thereby.

25. The endorsement of a receipt shall not make the endorser liable for any failure on the part of the warehouseman or previous endorsers of the receipt to fulfil their respective obligations. Endorser not a guarantor.

26. The validity of the negotiation of a receipt is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor without notice of the breach of duty, or fraud, mistake or duress. When negotiation not impaired by fraud, mistake or duress.

27. Where a person having sold, mortgaged or pledged goods that are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged a negotiable receipt representing goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for valuable consideration and without notice of the previous sale, mortgage or pledge, shall have the same effect as if a previous purchaser of the goods or receipt had expressly authorized the subsequent negotiation. Subsequent negotiation.

28. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of a purchaser for value in good faith to whom the receipt has been negotiated, whether the negotiation be prior or subsequent to the notification to the warehouseman who issued the receipt of the seller's claim to a lien or right of stoppage in transitu and the warehouseman shall not deliver the goods to an unpaid seller unless the receipt is first surrendered for cancellation. Negotiation defeats vendor's lien.

29. Nothing herein contained shall be deemed to include or apply to the manager or operator of a grain elevator as "Manager" and "Operator" are defined by *The Canada Grain Act* (Canada) or any railway or express company within the jurisdiction of the Parliament of Canada.

30. The provisions of this Act do not apply to receipts made and delivered prior to the date of the coming into force of this Act. Application to existing receipts.

31. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

32. This Act may be cited as *The Warehouse Receipts Act*, Short title.
1946.

An Act respecting Warehouse Receipts.

1st Reading

March 8th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Warehouse Receipts.

MR. BLACKWELL

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

This Bill prescribes the law applicable to warehouse receipts. It was prepared and is recommended for adoption by the Conference of Commissioners on Uniformity of Legislation in Canada. Its enactment has also been requested by the Canadian Warehousemen's Association.

This Bill is similar to the Act which is now in force in most of the States of the Union. It was enacted in British Columbia in 1945 and the Speech from the Throne read at the commencement of the current session of the Manitoba Legislature referred to its introduction there.

BILL

An Act respecting Warehouse Receipts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "action" includes counterclaim and set-off; "action";
- (b) "fungible goods" means goods of which any unit^{"fungible goods"} is, from its nature or by mercantile custom, treated as the equivalent of any other unit;
- (c) "goods" includes all chattels personal other than^{"goods"} things in action and money;
- (d) "holder", as applied to a negotiable receipt, means^{"holder"} a person who has possession of the receipt and a right of property therein, and, as applied to a non-negotiable receipt, means a person named therein as the person to whom the goods are to be delivered or his transferee;
- (e) "negotiable receipt" means a receipt in which it^{"negotiable receipt"} is stated that the goods therein specified will be delivered to bearer or to the order of a named person;
- (f) "non-negotiable receipt" means a receipt in which^{"non-negotiable receipt"} it is stated that the goods therein specified will be delivered to the holder thereof;
- (g) "purchaser" includes mortgagee and pledgee; "purchaser";
- (h) "receipt" means a warehouse receipt; "receipt";
- (i) "to purchase" includes to take as mortgagee or as^{"to purchase"} pledgee;
- (j) "warehouse receipt" means an acknowledgment in^{"warehouse receipt"}

writing by a warehouseman of the receipt for storage of goods not his own; and

"warehouseman".

(k) "warehouseman" means a person who receives goods for storage for reward.

Form of receipts.

2.—(1) A receipt shall contain the following particulars,—

- (a) the location of the warehouse or other place where the goods are stored;
- (b) the name of the person by whom or on whose behalf the goods are deposited;
- (c) the date of issue of the receipt;
- (d) a statement either,
 - (i) that the goods received will be delivered to the holder thereof, or
 - (ii) that the goods will be delivered to bearer or to the order of a named person;
- (e) the rate of storage charges;
- (f) a description of the goods or of the packages containing them;
- (g) the signature of the warehouseman or his authorized agent; and
- (h) a statement of the amount of any advance made and of any liability incurred for which the warehouseman claims a lien.

Omission of particulars.

(2) Where a warehouseman omits from a negotiable receipt any of the particulars set forth in subsection 1 he shall be liable for damage caused by the omission.

Idem.

(3) No receipt shall by reason of the omission of any of the particulars set forth in subsection 1 be deemed not to be a warehouse receipt.

Insertions.

(4) A warehouseman may insert in a receipt, issued by him, any other term or condition that,—

- (a) is not contrary to any provision of this Act; and
- (b) does not impair his obligation to exercise such care and diligence in regard to the goods as a careful and

SECTIONS 2, 3: Provide generally for the particulars to be contained in a warehouse receipt, and that upon delivery or mailing, the receipt shall constitute the contract between the warehouseman and the owner or bailor of the goods.

SECTION 4. Provides for the issue of a duplicate receipt where the original is lost or destroyed, and the effect of the duplicate on the rights and liabilities of the parties.

SECTIONS 5, 6, 7. Provide for the marking of all receipts as either negotiable or non-negotiable, and the conditions under which delivery of the goods will be made.

vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

(5) Subject to the provisions of this Act, a warehouse receipt issued by a warehouseman, when delivered to the owner or bailor of the goods or mailed to him at his address last known to the warehouseman, shall constitute the contract between the owner or bailor and the warehouseman; provided that the owner or bailor may within twenty days after such delivery or mailing notify the warehouseman in writing that he does not accept such contract and thereupon he shall remove the goods deposited subject to the warehouseman's lien for charges and if such notice is not given then the said warehouse receipt so delivered or mailed shall constitute the contract.

Contract constituted.

Proviso.

3. Words in a negotiable receipt limiting its negotiability shall be void.

Negotiable and non-negotiable receipts.

4.—(1) No more than one receipt shall be issued in respect of the same goods except in case of a lost or destroyed receipt, in which case the new receipt, if one is given, shall bear the same date as the original, and shall be plainly marked on its face "duplicate".

Marking of duplicate receipts.

(2) A warehouseman shall be liable for all damage caused by his failure to observe the provisions of subsection 1 to any person who purchases the subsequent receipt for valuable consideration, believing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Liability when not so marked.

(3) A receipt upon the face of which the word "duplicate" is plainly marked is a representation and warranty by the warehouseman that it is an accurate copy of a receipt properly issued and uncanceled at the date of the issue of the duplicate.

Effect of duplicate receipts.

5.—(1) A warehouseman who issues a non-negotiable receipt shall cause to be plainly marked upon its face the words "non-negotiable" or "not negotiable".

Marking of non-negotiable receipts.

(2) Where a warehouseman fails to comply with subsection 1, a holder of the receipt who purchases it for valuable consideration believing it to be negotiable may, at his option, treat the receipt as vesting in him all rights attaching to a negotiable receipt and imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable, and the warehouseman shall be liable accordingly.

Failure to mark.

6.—(1) A warehouseman in the absence of lawful excuse shall deliver the goods referred to therein,—

Duty to deliver.

(a) in the case of a negotiable receipt, to the bearer thereof upon demand made by the bearer and upon the bearer,

(i) satisfying the warehouseman's lien,

(ii) surrendering the receipt with such endorsements as are necessary for the negotiation of the receipt, and

(iii) acknowledging in writing the delivery of the goods; and

(b) in the case of a non-negotiable receipt, to the holder thereof upon the holder,

(i) satisfying the warehouseman's lien, and

(ii) acknowledging in writing the delivery of the goods.

Failure to deliver.

(2) Where a warehouseman refuses or fails to deliver the goods in compliance with subsection 1, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for his refusal or failure.

Delivery on presentation of a negotiable receipt.

7. Where a person is in possession of a negotiable receipt that has been duly endorsed to him or endorsed in blank, or by the terms of which the goods are deliverable to him or his order or to bearer, if delivery is made in good faith and without notice of any defect in the title of that person the warehouseman is justified in delivering the goods to that person.

Negotiable receipts must be cancelled on delivery of goods.

8.—(1) Except as provided in section 18, where a warehouseman delivers goods for which he has issued a negotiable receipt and fails to take up and cancel the receipt, he shall be liable, for failure to deliver the goods, to anyone who purchases the receipt in good faith and for valuable consideration, whether he acquired title to the receipt before or after delivery of the goods by the warehouseman.

Negotiable receipts to be marked on delivery of part of goods.

(2) Except as provided in section 18, where a warehouseman delivers part of the goods for which he has issued a negotiable receipt and fails either to take up and cancel the receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable, for failure to deliver all the goods specified in the receipt, to anyone who purchases the receipt in good faith and for valuable consideration, whether the purchaser acquired title to the receipt before or after the delivery of any portion of the goods.

SECTION 8. Prescribes, in the case of a negotiable receipt, the liability of a warehouseman who delivers goods and fails to take up the receipt, or delivers part of the goods and fails to cancel the receipt or note upon it the fact of delivery of part of the goods.

SECTION 9. Provides authority in a judge of the Supreme Court to authorize delivery of the goods where it is proved that a negotiable receipt is lost.

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9. Where a negotiable receipt has been lost or destroyed Lost or destroyed receipts. a judge of the Supreme Court upon application after notice to the warehouseman by the person lawfully entitled to possession of the goods may upon satisfactory proof of such loss or destruction order the delivery of the goods upon the giving of a bond with sufficient sureties to be approved in accordance with the practice of the court to indemnify the warehouseman against any liability, cost or expense he may be under or be put to by reason of the original receipt remaining outstanding, and the warehouseman shall be entitled to his costs of the application.

10. Where a warehouseman has information that a person Warehouseman has reasonable time to determine validity of claims. other than the holder of a receipt claims to be the owner of or entitled to the goods he may refuse to deliver the goods until he has had a reasonable time not exceeding ten days, to ascertain the validity of the adverse claim or to commence interpleader proceedings.

11. A negotiable receipt shall in the hands of a holder who Conclusiveness of negotiable receipt. has purchased it for valuable consideration be conclusive evidence of the receipt by the warehouseman of the goods therein described as against the warehouseman and any person signing the same on his behalf, notwithstanding that the goods or some part thereof may not have been so received unless the holder of the negotiable receipt has actual notice at the time of receiving same, that the goods have not in fact been received.

12. Where goods are described in a receipt merely by a Description of goods in receipt. statement,—

- (a) of certain marks or labels on the goods or on the packages containing them;
- (b) that the goods are said by the depositor to be goods of a certain kind; or
- (c) that the packages containing the goods are said by the depositor to contain goods of a certain kind,

or by a statement of import similar to that of clause *a*, *b* or *c* the statement shall not impose any liability on the warehouseman in respect of the nature, kind or quality of the goods, but shall be deemed to be a representation by the warehouseman either that the marks or labels were in fact on the goods or packages or that the goods were in fact described by the depositor as stated, or that the packages containing the goods were in fact described by the depositor as containing goods of a certain kind, as the case may be.

Liability for
care of
goods.

13. A warehouseman shall be liable for loss of or injury to goods caused by his failure to exercise such care and diligence in regard to them as a careful and vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

Co-mingled
goods and
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14. Where authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade, and in that case the holders of the receipts for the mingled goods shall own the entire mass in common, and each holder shall be entitled to such proportion thereof as the quantity shown by his receipt to have been deposited bears to the whole.

Attachment
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15. Where goods are delivered to a warehouseman by the owner or person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter while in the possession of the warehouseman, be levied under an execution, unless the receipt is first surrendered to the warehouseman.

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16. Where a negotiable receipt is issued for goods, the warehouseman shall have no lien on the goods, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed.

Perishable
and
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17.—(1) Where goods are of a perishable nature, or by keeping will deteriorate greatly in value, or injure other property, the warehouseman may give such notice as is reasonable and possible under the circumstances to the holder of the receipt for the goods if the name and address of the holder is known to the warehouseman or if not known to him then to the depositor, requiring him to satisfy the lien upon the goods, and to remove them from the warehouse, and on the failure of such person to satisfy the lien and remove the goods within the time specified in the notice, the warehouseman may sell the goods at public or private sale without advertising.

Giving of
notice.

(2) The notice referred to in subsection 1 may be given by sending it by registered letter post addressed to the person to whom it is to be given at the person's last known place of address and the notice shall be deemed to be given on the day following the mailing.

Disposal
of goods.

(3) If the warehouseman after a reasonable effort is unable to sell the goods, he may dispose of them in any manner he may think fit, and shall incur no liability by reason thereof.

SECTION 14. Gives authority to a warehouseman to mingle fungible goods.

SECTION 15. Exempts goods for which a negotiable receipt has been issued from being subject to execution except after delivery of the receipt to the warehouseman.

SECTIONS 16, 17 and 18. Prescribes the warehouseman's lien on goods and the satisfaction thereof in the case of perishable or hazardous goods.

SECTIONS 19 to 28. Provide generally for the negotiation and transfer of negotiable and non-negotiable receipts respectively. These sections provide for the legal rights and liabilities arising for all parties affected upon such negotiation.

(4) The warehouseman shall from the proceeds of any sale made pursuant to this section, satisfy his lien and shall hold the balance in trust for the holder of the receipt. Proceeds of sale.

18. Where goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of pursuant to the provisions of section 17, the warehouseman shall not be liable for failure to deliver the goods to the holder of the receipt. Effect of sale.

19.—(1) A negotiable receipt may be negotiated by delivery in either of the following cases,— Negotiation of negotiable receipts by delivery and by endorsement.

(a) where, by the terms of the receipt the warehouseman undertakes to deliver the goods to the bearer; or

(b) where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a named person, and that person or a subsequent endorsee has endorsed it in blank or to bearer.

(2) Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been endorsed in blank or to bearer the receipt may be negotiated by the bearer endorsing the same to a named person, and in that case the receipt shall thereafter be negotiated by the endorsement of the endorsee or a subsequent endorsee, or by delivery if it is again endorsed in blank or to bearer.

(3) Where, by the terms of a negotiable receipt, the goods are deliverable to the order of a named person, the receipt may be negotiated by the endorsement of that person.

(4) An endorsement pursuant to subsection 3 may be in blank, to bearer or to a named person and if the endorsement is to a named person, the receipt may be again negotiated by endorsement in blank, to bearer or to another named person and subsequent negotiation may be made in like manner.

20. The goods covered by a non-negotiable receipt may be transferred by the holder by delivery to a purchaser or donee of the goods of a transfer in writing executed by the holder, but the transfer shall not affect or bind the warehouseman until he is notified in writing thereof. Transfer of receipts.

21.—(1) A person to whom the goods covered by a non-negotiable receipt are transferred acquires, as against the transferor,— Rights of person to whom a receipt has been transferred.

(a) the title to the goods; and

- (b) the right to deposit with the warehouseman the transfer or duplicate thereof or to give notice in writing to the warehouseman of the transfer.

Idem.

(2) The transferee acquires the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt upon,—

- (a) deposit of the transfer of the goods; or
- (b) giving notice in writing of the transfer and upon the warehouseman having a reasonable opportunity of verifying the transfer.

Rights of person to whom a receipt has been negotiated.

22. A person to whom a negotiable receipt is duly negotiated acquires,—

- (a) such title to the goods as the person negotiating the receipt to him had or had ability to transfer to a purchaser in good faith for valuable consideration and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of receipt had or had ability to transfer to a purchaser in good faith for valuable consideration; and
- (b) the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman has contracted directly with him.

Transfer of negotiable receipt without endorsement.

23. Where a negotiable receipt is transferred for valuable consideration by delivery, and the endorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt, unless a contrary intention appears and the negotiation shall take effect as of the time when the endorsement is made.

Warranties on sale of receipt.

24. A person who for valuable consideration negotiates or transfers a receipt by endorsement or delivery, including one who assigns for valuable consideration a claim secured by a receipt, unless a contrary intention appears, warrants,—

- (a) that the receipt is genuine;
- (b) that he has a legal right to negotiate or transfer it;
- (c) that he has no knowledge of any fact that would impair the validity of the receipt; and
- (d) that he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties



had been to transfer without a receipt the goods represented thereby.

25. The endorsement of a receipt shall not make the endorser ^{Endorser not a guarantor.} liable for any failure on the part of the warehouseman or previous endorsers of the receipt to fulfil their respective obligations.

26. The validity of the negotiation of a receipt is not im- ^{When nego-}paired by the fact that the negotiation was a breach of duty on ^{tiation not} the part of the person making the negotiation, or by the fact ^{impaired by} that the owner of the receipt was induced by fraud, mistake or ^{fraud, mis-}duress to entrust the possession or custody of the receipt to ^{take or} such person, if the person to whom the receipt was negotiated, ^{duress.} or a person to whom the receipt was subsequently negotiated, paid value therefor without notice of the breach of duty, or fraud, mistake or duress.


27. Where a person having sold, mortgaged or pledged ^{Subsequent} goods that are in a warehouse and for which a negotiable ^{negotiation.} receipt has been issued, or having sold, mortgaged, or pledged a negotiable receipt representing goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for valuable consideration and without notice of the previous sale, mortgage or pledge, shall have the same effect as if a previous purchaser of the goods or receipt had expressly authorized the subsequent negotiation.

28. Where a negotiable receipt has been issued for goods, ^{Negotiation} no seller's lien or right of stoppage in transitu shall defeat the ^{defeats ven-} rights of a purchaser for value in good faith to whom the receipt ^{dor's lien.} has been negotiated, whether the negotiation be prior or subsequent to the notification to the warehouseman who issued the receipt of the seller's claim to a lien or right of stoppage in transitu and the warehouseman shall not deliver the goods to an unpaid seller unless the receipt is first surrendered for cancellation.

29. Nothing herein contained shall be deemed to include or apply to the manager or operator of a grain elevator as "Manager" and "Operator" are defined by *The Canada Grain Act* (Canada) or any railway or express company within the jurisdiction of the Parliament of Canada.

30. The provisions of this Act do not apply to receipts ^{Application} made and delivered prior to the date of the coming into force ^{to existing} of this Act. ^{receipts.}

31. This Act shall come into force on the 1st day of June, ^{Commencer-} 1946, provided that it shall not apply to the storage of furs, ^{ment of Act.}

garments and home furnishings, other than furniture, which are ordinarily used by the person placing them in storage or a member of his family or household, until a day to be named by the Lieutenant-Governor by his Proclamation. 

Short title. **32.** This Act may be cited as *The Warehouse Receipts Act, 1946.*



1st Reading

March 8th, 1946

2nd Reading

March 11th, 1946

3rd Reading

MR. BLACKWELL

(*Reprinted as amended in Committee of the
Whole House.*)

No. 70

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Warehouse Receipts.

MR. BLACKWELL

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting Warehouse Receipts.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "action" includes counterclaim and set-off; "action";
- (b) "fungible goods" means goods of which any unit^{"fungible goods";} is, from its nature or by mercantile custom, treated as the equivalent of any other unit;
- (c) "goods" includes all chattels personal other than "goods"; things in action and money;
- (d) "holder", as applied to a negotiable receipt, means "holder"; a person who has possession of the receipt and a right of property therein, and, as applied to a non-negotiable receipt, means a person named therein as the person to whom the goods are to be delivered or his transferee;
- (e) "negotiable receipt" means a receipt in which it^{"negotiable receipt";} is stated that the goods therein specified will be delivered to bearer or to the order of a named person;
- (f) "non-negotiable receipt" means a receipt in which^{"non-negotiable receipt";} it is stated that the goods therein specified will be delivered to the holder thereof;
- (g) "purchaser" includes mortgagee and pledgee; "purchaser";
- (h) "receipt" means a warehouse receipt; "receipt";
- (i) "to purchase" includes to take as mortgagee or as^{"to purchase";} pledgee;
- (j) "warehouse receipt" means an acknowledgment in^{"warehouse receipt";}

writing by a warehouseman of the receipt for storage of goods not his own; and

"warehouseman".

(k) "warehouseman" means a person who receives goods for storage for reward.

Form of receipts.

2.—(1) A receipt shall contain the following particulars,—

- (a) the location of the warehouse or other place where the goods are stored;
- (b) the name of the person by whom or on whose behalf the goods are deposited;
- (c) the date of issue of the receipt;
- (d) a statement either,
 - (i) that the goods received will be delivered to the holder thereof, or
 - (ii) that the goods will be delivered to bearer or to the order of a named person;
- (e) the rate of storage charges;
- (f) a description of the goods or of the packages containing them;
- (g) the signature of the warehouseman or his authorized agent; and
- (h) a statement of the amount of any advance made and of any liability incurred for which the warehouseman claims a lien.

Omission of particulars.

(2) Where a warehouseman omits from a negotiable receipt any of the particulars set forth in subsection 1 he shall be liable for damage caused by the omission.

Idem.

(3) No receipt shall by reason of the omission of any of the particulars set forth in subsection 1 be deemed not to be a warehouse receipt.

Insertions.

(4) A warehouseman may insert in a receipt, issued by him, any other term or condition that,—

- (a) is not contrary to any provision of this Act; and
- (b) does not impair his obligation to exercise such care and diligence in regard to the goods as a careful and

vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

(5) Subject to the provisions of this Act, a warehouse receipt issued by a warehouseman, when delivered to the owner or bailor of the goods or mailed to him at his address last known to the warehouseman, shall constitute the contract between the owner or bailor and the warehouseman; provided that the owner or bailor may within twenty days after such delivery or mailing notify the warehouseman in writing that he does not accept such contract and thereupon he shall remove the goods deposited subject to the warehouseman's lien for charges and if such notice is not given then the said warehouse receipt so delivered or mailed shall constitute the contract.

Contract constituted.

Proviso.

3. Words in a negotiable receipt limiting its negotiability shall be void.

Negotiable and non-negotiable receipts.

4.—(1) No more than one receipt shall be issued in respect of the same goods except in case of a lost or destroyed receipt, in which case the new receipt, if one is given, shall bear the same date as the original, and shall be plainly marked on its face "duplicate".

Marking of duplicate receipts.

(2) A warehouseman shall be liable for all damage caused by his failure to observe the provisions of subsection 1 to any person who purchases the subsequent receipt for valuable consideration, believing it to be an original, even though the purchase be after the delivery of the goods by the warehouseman to the holder of the original receipt.

Liability when not so marked.

(3) A receipt upon the face of which the word "duplicate" is plainly marked is a representation and warranty by the warehouseman that it is an accurate copy of a receipt properly issued and uncanceled at the date of the issue of the duplicate.

Effect of duplicate receipts.

5.—(1) A warehouseman who issues a non-negotiable receipt shall cause to be plainly marked upon its face the words "non-negotiable" or "not negotiable".

Marking of non-negotiable receipts.

(2) Where a warehouseman fails to comply with subsection 1, a holder of the receipt who purchases it for valuable consideration believing it to be negotiable may, at his option, treat the receipt as vesting in him all rights attaching to a negotiable receipt and imposing upon the warehouseman the same liabilities he would have incurred had the receipt been negotiable, and the warehouseman shall be liable accordingly.

Failure to mark.

6.—(1) A warehouseman in the absence of lawful excuse shall deliver the goods referred to therein,—

Duty to deliver.

(a) in the case of a negotiable receipt, to the bearer thereof upon demand made by the bearer and upon the bearer,

(i) satisfying the warehouseman's lien,

(ii) surrendering the receipt with such endorsements as are necessary for the negotiation of the receipt, and

(iii) acknowledging in writing the delivery of the goods; and

(b) in the case of a non-negotiable receipt, to the holder thereof upon the holder,

(i) satisfying the warehouseman's lien, and

(ii) acknowledging in writing the delivery of the goods.

Failure to deliver.

(2) Where a warehouseman refuses or fails to deliver the goods in compliance with subsection 1, the burden shall be upon the warehouseman to establish the existence of a lawful excuse for his refusal or failure.

Delivery on presentation of a negotiable receipt.

7. Where a person is in possession of a negotiable receipt that has been duly endorsed to him or endorsed in blank, or by the terms of which the goods are deliverable to him or his order or to bearer, if delivery is made in good faith and without notice of any defect in the title of that person the warehouseman is justified in delivering the goods to that person.

Negotiable receipts must be cancelled on delivery of goods.

8.—(1) Except as provided in section 18, where a warehouseman delivers goods for which he has issued a negotiable receipt and fails to take up and cancel the receipt, he shall be liable, for failure to deliver the goods, to anyone who purchases the receipt in good faith and for valuable consideration, whether he acquired title to the receipt before or after delivery of the goods by the warehouseman.

Negotiable receipts to be marked on delivery of part of goods.

(2) Except as provided in section 18, where a warehouseman delivers part of the goods for which he has issued a negotiable receipt and fails either to take up and cancel the receipt, or to place plainly upon it a statement of what goods or packages have been delivered, he shall be liable, for failure to deliver all the goods specified in the receipt, to anyone who purchases the receipt in good faith and for valuable consideration, whether the purchaser acquired title to the receipt before or after the delivery of any portion of the goods.

9. Where a negotiable receipt has been lost or destroyed ^{Lost or destroyed receipts.} a judge of the Supreme Court upon application after notice to the warehouseman by the person lawfully entitled to possession of the goods may upon satisfactory proof of such loss or destruction order the delivery of the goods upon the giving of a bond with sufficient sureties to be approved in accordance with the practice of the court to indemnify the warehouseman against any liability, cost or expense he may be under or be put to by reason of the original receipt remaining outstanding, and the warehouseman shall be entitled to his costs of the application.

10. Where a warehouseman has information that a person ^{Warehouseman has reasonable time to determine validity of claims.} other than the holder of a receipt claims to be the owner of or entitled to the goods he may refuse to deliver the goods until he has had a reasonable time not exceeding ten days, to ascertain the validity of the adverse claim or to commence interpleader proceedings.

11. A negotiable receipt shall in the hands of a holder who ^{Conclusiveness of negotiable receipt.} has purchased it for valuable consideration be conclusive evidence of the receipt by the warehouseman of the goods therein described as against the warehouseman and any person signing the same on his behalf, notwithstanding that the goods or some part thereof may not have been so received unless the holder of the negotiable receipt has actual notice at the time of receiving same, that the goods have not in fact been received.

12. Where goods are described in a receipt merely by a ^{Description of goods in receipt.} statement,—

- (a) of certain marks or labels on the goods or on the packages containing them;
- (b) that the goods are said by the depositor to be goods of a certain kind; or
- (c) that the packages containing the goods are said by the depositor to contain goods of a certain kind,

or by a statement of import similar to that of clause *a*, *b* or *c* the statement shall not impose any liability on the warehouseman in respect of the nature, kind or quality of the goods, but shall be deemed to be a representation by the warehouseman either that the marks or labels were in fact on the goods or packages or that the goods were in fact described by the depositor as stated, or that the packages containing the goods were in fact described by the depositor as containing goods of a certain kind, as the case may be.

Liability for
care of
goods.

13. A warehouseman shall be liable for loss of or injury to goods caused by his failure to exercise such care and diligence in regard to them as a careful and vigilant owner of similar goods would exercise in the custody of them in similar circumstances.

Co-mingled
goods and
warehouse-
man's
liability
therefor.

14. Where authorized by agreement or by custom, a warehouseman may mingle fungible goods with other goods of the same kind and grade, and in that case the holders of the receipts for the mingled goods shall own the entire mass in common, and each holder shall be entitled to such proportion thereof as the quantity shown by his receipt to have been deposited bears to the whole.

Attachment
or levy upon
goods for
which a
negotiable
receipt has
been issued.

15. Where goods are delivered to a warehouseman by the owner or person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner, and a negotiable receipt is issued for them, they cannot thereafter while in the possession of the warehouseman, be levied under an execution, unless the receipt is first surrendered to the warehouseman.

Negotiable
receipt must
state charges
for which
lien is
claimed.

16. Where a negotiable receipt is issued for goods, the warehouseman shall have no lien on the goods, except for charges for storage of those goods subsequent to the date of the receipt, unless the receipt expressly enumerates other charges for which a lien is claimed.

Perishable
and
hazardous
goods.

17.—(1) Where goods are of a perishable nature, or by keeping will deteriorate greatly in value, or injure other property, the warehouseman may give such notice as is reasonable and possible under the circumstances to the holder of the receipt for the goods if the name and address of the holder is known to the warehouseman or if not known to him then to the depositor, requiring him to satisfy the lien upon the goods, and to remove them from the warehouse, and on the failure of such person to satisfy the lien and remove the goods within the time specified in the notice, the warehouseman may sell the goods at public or private sale without advertising.

Giving of
notice.

(2) The notice referred to in subsection 1 may be given by sending it by registered letter post addressed to the person to whom it is to be given at the person's last known place of address and the notice shall be deemed to be given on the day following the mailing.

Disposal
of goods.

(3) If the warehouseman after a reasonable effort is unable to sell the goods, he may dispose of them in any manner he may think fit, and shall incur no liability by reason thereof.

(4) The warehouseman shall from the proceeds of any sale made pursuant to this section, satisfy his lien and shall hold the balance in trust for the holder of the receipt. Proceeds of sale.

18. Where goods have been lawfully sold to satisfy a warehouseman's lien, or have been lawfully sold or disposed of pursuant to the provisions of section 17, the warehouseman shall not be liable for failure to deliver the goods to the holder of the receipt. Effect of sale.

19.—(1) A negotiable receipt may be negotiated by delivery in either of the following cases,— Negotiation of negotiable receipts by delivery and by endorsement.

- (a) where, by the terms of the receipt the warehouseman undertakes to deliver the goods to the bearer; or
- (b) where, by the terms of the receipt, the warehouseman undertakes to deliver the goods to the order of a named person, and that person or a subsequent endorsee has endorsed it in blank or to bearer.

(2) Where, by the terms of a negotiable receipt, the goods are deliverable to bearer or where a negotiable receipt has been endorsed in blank or to bearer the receipt may be negotiated by the bearer endorsing the same to a named person, and in that case the receipt shall thereafter be negotiated by the endorsement of the endorsee or a subsequent endorsee, or by delivery if it is again endorsed in blank or to bearer.

(3) Where, by the terms of a negotiable receipt, the goods are deliverable to the order of a named person, the receipt may be negotiated by the endorsement of that person.

(4) An endorsement pursuant to subsection 3 may be in blank, to bearer or to a named person and if the endorsement is to a named person, the receipt may be again negotiated by endorsement in blank, to bearer or to another named person and subsequent negotiation may be made in like manner.

20. The goods covered by a non-negotiable receipt may be transferred by the holder by delivery to a purchaser or donee of the goods of a transfer in writing executed by the holder, but the transfer shall not affect or bind the warehouseman until he is notified in writing thereof. Transfer of receipts.

21.—(1) A person to whom the goods covered by a non-negotiable receipt are transferred acquires, as against the transferor,— Rights of person to whom a receipt has been transferred.

- (a) the title to the goods; and

- (b) the right to deposit with the warehouseman the transfer or duplicate thereof or to give notice in writing to the warehouseman of the transfer.

Idem.

(2) The transferee acquires the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt upon,—

- (a) deposit of the transfer of the goods; or
- (b) giving notice in writing of the transfer and upon the warehouseman having a reasonable opportunity of verifying the transfer.

Rights of
person to
whom a
receipt has
been
negotiated.

22. A person to whom a negotiable receipt is duly negotiated acquires,—

- (a) such title to the goods as the person negotiating the receipt to him had or had ability to transfer to a purchaser in good faith for valuable consideration and also such title to the goods as the depositor or person to whose order the goods were to be delivered by the terms of receipt had or had ability to transfer to a purchaser in good faith for valuable consideration; and
- (b) the benefit of the obligation of the warehouseman to hold possession of the goods for him according to the terms of the receipt as fully as if the warehouseman has contracted directly with him.

Transfer of
negotiable
receipt
without
endorsement.

23. Where a negotiable receipt is transferred for valuable consideration by delivery, and the endorsement of the transferor is essential for negotiation, the transferee acquires a right against the transferor to compel him to endorse the receipt, unless a contrary intention appears and the negotiation shall take effect as of the time when the endorsement is made.

Warranties
on sale of
receipt.

24. A person who for valuable consideration negotiates or transfers a receipt by endorsement or delivery, including one who assigns for valuable consideration a claim secured by a receipt, unless a contrary intention appears, warrants,—

- (a) that the receipt is genuine;
- (b) that he has a legal right to negotiate or transfer it;
- (c) that he has no knowledge of any fact that would impair the validity of the receipt; and
- (d) that he has a right to transfer the title to the goods, and that the goods are merchantable or fit for a particular purpose whenever such warranties would have been implied, if the contract of the parties

had been to transfer without a receipt the goods represented thereby.

25. The endorsement of a receipt shall not make the endorser liable for any failure on the part of the warehouseman or previous endorsers of the receipt to fulfil their respective obligations. Endorser not a guarantor.

26. The validity of the negotiation of a receipt is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the receipt was induced by fraud, mistake or duress to entrust the possession or custody of the receipt to such person, if the person to whom the receipt was negotiated, or a person to whom the receipt was subsequently negotiated, paid value therefor without notice of the breach of duty, or fraud, mistake or duress. When negotiation not impaired by fraud, mistake or duress.

27. Where a person having sold, mortgaged or pledged goods that are in a warehouse and for which a negotiable receipt has been issued, or having sold, mortgaged, or pledged a negotiable receipt representing goods, continues in possession of the negotiable receipt, the subsequent negotiation thereof by that person under any sale, or other disposition thereof to any person receiving the same in good faith, for valuable consideration and without notice of the previous sale, mortgage or pledge, shall have the same effect as if a previous purchaser of the goods or receipt had expressly authorized the subsequent negotiation. Subsequent negotiation.

28. Where a negotiable receipt has been issued for goods, no seller's lien or right of stoppage in transitu shall defeat the rights of a purchaser for value in good faith to whom the receipt has been negotiated, whether the negotiation be prior or subsequent to the notification to the warehouseman who issued the receipt of the seller's claim to a lien or right of stoppage in transitu and the warehouseman shall not deliver the goods to an unpaid seller unless the receipt is first surrendered for cancellation. Negotiation defeats vendor's lien.

29. Nothing herein contained shall be deemed to include or apply to the manager or operator of a grain elevator as "Manager" and "Operator" are defined by *The Canada Grain Act* (Canada) or any railway or express company within the jurisdiction of the Parliament of Canada. Where Act not to apply.

30. The provisions of this Act do not apply to receipts made and delivered prior to the date of the coming into force of this Act. Application to existing receipts.

31. This Act shall come into force on the 1st day of June, 1946, provided that it shall not apply to the storage of furs, Commencement of Act.

garments and home furnishings, other than furniture, which are ordinarily used by the person placing them in storage or a member of his family or household, until a day to be named by the Lieutenant-Governor by his Proclamation.

Short title. **32.** This Act may be cited as *The Warehouse Receipts Act, 1946*.

BILL

An Act respecting Warehouse Receipts.

1st Reading

March 8th, 1946

2nd Reading

March 11th, 1946

3rd Reading

March 26th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Teachers' and Inspectors' Superannuation Act, 1946.

MR. DREW

EXPLANATORY NOTES

This revision of *The Teachers' and Inspectors' Superannuation Act* effects an arrangement of the Act and the regulations which renders the provisions of both the Act and the regulations more readily understandable. This is accomplished by,—

- (a) re-sorting the provisions of both the Act and the regulations with a view to a more logical grouping; and
- (b) clarifying ambiguous provisions in a manner consistent with established practices and sound principles.

Germane provisions which are presently found scattered throughout the Act and regulations thereby rendering accurate interpretation of the Act difficult, have been grouped. Generally it may be stated that all matters of policy and principle are incorporated in the Act, which leaves for the regulations matters of procedure and matters of an emergency nature or of a special nature which warrants the flexibility provided by regulations.

The Bill is arranged under twelve appropriate headings as follows:

Interpretation.....	Section 1
The Commission.....	Sections 2-5
The Fund.....	Sections 6, 7
Investments.....	Sections 8, 9
Accounts.....	Sections 10-13
Banking.....	Sections 14-16
Contributions.....	Sections 17-26
Types of Allowances.....	Sections 27-33
Payment of Allowances.....	Sections 34-47
Refunds of Contributions.....	Sections 48-53
Regulations.....	Section 54
General.....	Sections 55-60

BILL

The Teachers' and Inspectors' Superannuation Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpreta-
tion,—

- (a) "board" shall mean board of public school trustees, "board"; board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board and board of education;
- (b) "Commission" shall mean Teachers' and Inspectors' "Commis-
sion"; Superannuation Commission;
- (c) "Department" shall mean Department of Education; "Depart-
ment";
- (d) "employed" shall mean engaged, "employed";
 - (i) as a teacher in or inspector of a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school, a school to which *The Vocational Education Act* applies, the Ontario College of Education, or the University of Toronto Schools, Rev. Stat.,
c. 369.
 - (ii) as a teacher in or inspector of a school or class supported in whole or in part by contributions from the Province or from a municipal corporation, and designated by the regulations,
 - (iii) as a teacher in or inspector of a school outside of Ontario under a system of exchanging teachers, or otherwise, authorized by the Minister,

(iv) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations, or

(v) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

(vi) is a member of the staff of a technical or vocational school but, not being a teacher by profession, pursues some other occupation or calling,

(vii) is engaged only for part time to teach music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject,

(viii) is a teacher or inspector regularly engaged outside Ontario who is performing services in Ontario under a system of exchanging teachers, or otherwise, approved by the Minister, or

(ix) is a contributor to the Public Service Superannuation Fund established under *The Public Service Act*;

Rev. Stat.,
c. 15.

“fund”;

(e) “fund” shall mean teachers’ and inspectors’ superannuation fund;

“inspector”;

(f) “inspector” shall include,

(i) an inspector of the Penny Savings Bank, and

(ii) any person employed by a board in a supervisory capacity,

but no person shall be deemed to be an inspector within the meaning of this Act unless he is qualified to teach in a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school or a school to which *The Vocational Education Act* applies in accordance with the Acts and regulations administered by the Department of Education;

Rev. Stat.,
c. 369.

“Minister”;

(g) “Minister” shall mean Minister of Education;

- (h) "regulations" shall mean regulations made under this ^{"regulations";} Act;
- (i) "secretary" shall mean secretary of the Commission; ^{"secretary";}
- (j) "teacher" shall mean a person qualified to teach in a ^{"teacher".} public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school or a school to which *The Vocational Education Act* applies in accordance with the Acts and regulations administered by the Department of Education. R.S.O. 1937, c. 366, s. 1, *amended*.

THE COMMISSION.

2.—(1) There shall continue to be a commission to be ^{Commission,} known as the Teachers' and Inspectors' Superannuation Com- [—] mission consisting of seven members who shall be appointed ^{appointment} and elected as follows: ^{and} ^{election.}

- (a) an actuary and three other persons appointed by the Minister triennially; and
- (b) three teachers or inspectors who are contributors to the fund, each of whom shall hold office for a period of three years and shall be elected by ballot by the teachers and inspectors who are contributors to the fund,
 - (i) one of whom shall be elected from and by the public and separate school female teachers and inspectors during the period of April and May, 1943,
 - (ii) one of whom shall be elected from and by the secondary school teachers during the period of April and May, 1944, and
 - (iii) one of whom shall be elected from and by the public and separate school male teachers and inspectors during the period of April and May, 1945,

and in this manner in each succeeding triennium.
R.S.O. 1937, c. 366, s. 16 (1), *part*.

(2) The Minister shall triennially designate one of the ^{Chairman.} members of the Commission to be the chairman thereof.
R.S.O. 1937, c. 366, s. 16 (3).

Vacancies.

(3) A vacancy occurring among the elected members shall be filled by the election of a person to fill such vacancy, for the unexpired portion of the term, within six months after the vacancy occurs. 1943, c. 26, s. 18 (3), *amended*.

Term of office.

(4) Each member of the Commission shall continue to hold office until his successor has been duly appointed or elected, as the case may be. R.S.O. 1937, c. 366, s. 16 (5).

Place of meeting; time of meeting.

3.—(1) The Commission shall meet in the offices of the Department of Education in Toronto on the third Friday of September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as it may be called together by the chairman.

Quorum.

(2) At any meeting of the Commission five members shall constitute a quorum. *New*.

Determining right to allowance.

4. The Commission shall determine the right of every applicant to receive an annual allowance or a refund of his contributions to the fund and the amount thereof. *New*.

Secretary.

5. There shall be a secretary of the Commission who shall be appointed by the Commission and paid out of the fund. *New*.

THE FUND.

Fund continued.

6.—(1) The Teachers' and Inspectors' Superannuation Fund is continued. R.S.O. 1937, c. 366, s. 2 (1). *Amended*.

Custodian of fund.

(2) The Treasurer of Ontario shall be the custodian of the fund. R.S.O. 1937, c. 366, s. 2 (2).

Actuarial valuation.

(3) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as at the 1st day of July, 1948, and the Minister may direct an additional valuation to be made at any time. R.S.O. 1937, c. 366, s. 11 (1), *amended*.

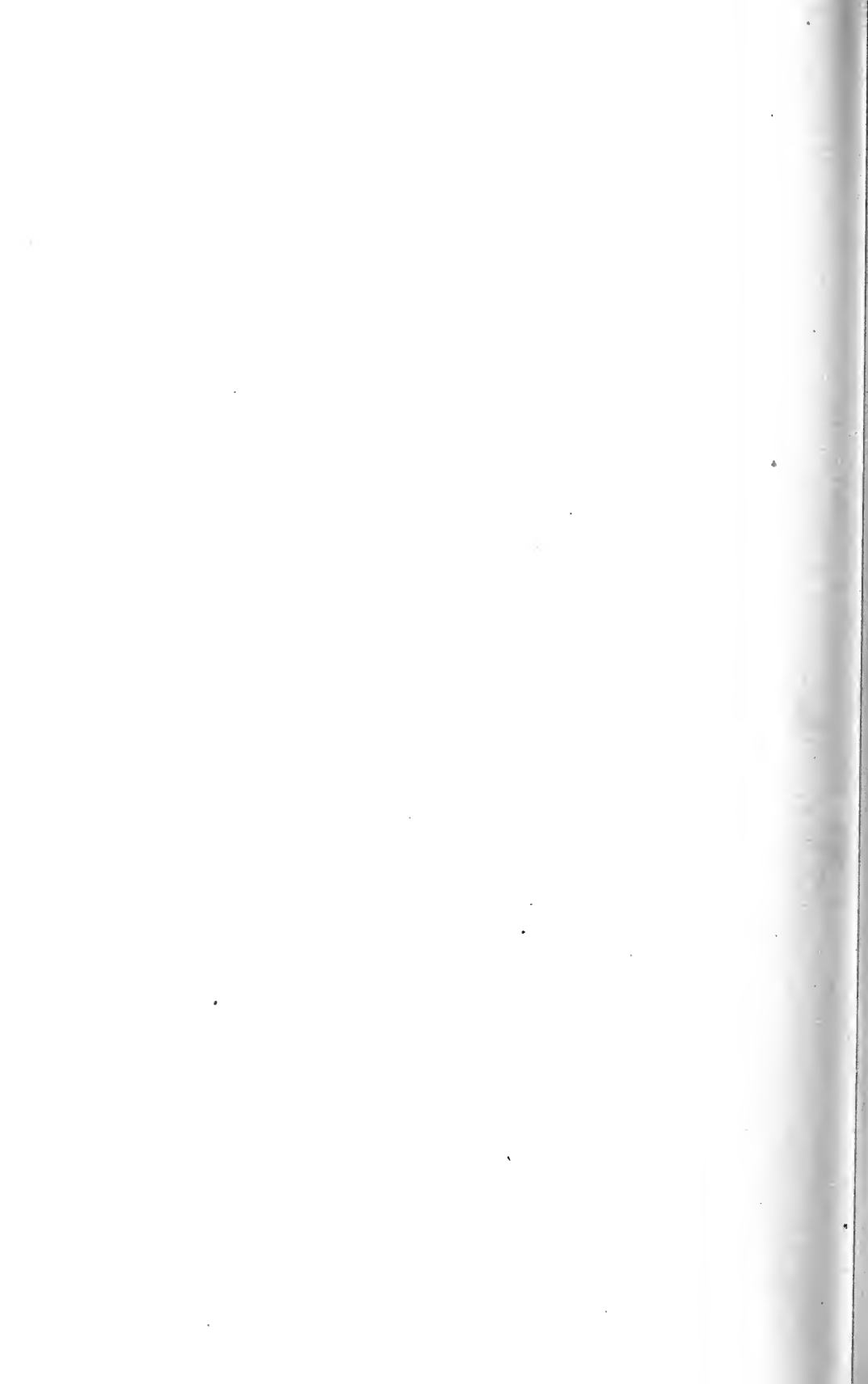
Receiving gifts, etc., for fund.

7. The Commission may receive any gift, devise or bequest made to, or for the purposes of the fund, and shall pay it or the proceeds thereof, into the fund, to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. R.S.O. 1937, c. 366, s. 2 (11), *amended*.

INVESTMENTS.

Issue of Ontario Government stock confirmed.

8.—(1) The issue by the Treasurer of Ontario of Ontario Government stock in the sum of \$31,200,000 dated November 1st, 1942, and bearing interest at the rate of four and three-



quarters per centum per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed. *New.*

(2) During the period commencing the 1st day of November, 1942, and ending on the 31st day of October, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1952, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. Debentures authorized.

(3) During each succeeding ten-year period the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Commission and approved by the Lieutenant-Governor in Council as being applicable for that period. Issue of debentures for surplus funds.

(4) On the 1st day of November, 1952, and on the 1st day of November of each succeeding ten-year period, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 3, such debentures or stock to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 3 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock. R.S.O. 1937, c. 366, s. 3 (5, 6, 7), *amended*. Debentures for accumulated surplus funds.

(5) The Ontario Government debentures and stock issued under this section shall be a charge upon the Consolidated Revenue Fund. *New.* Debentures to be charge on Consolidated Revenue Fund.

9. All securities belonging to the fund shall be deposited with the Treasurer of Ontario who shall be responsible for their safe-keeping. *New.* Securities to be deposited with Treasurer.

ACCOUNTS.

10. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out Accounts.

of the fund and any sums that are received from time to time by way of contributions to the fund or that may be paid by the Treasurer of Ontario towards the administration thereof. R.S.O. 1937, c. 366, s. 2 (5), *part, amended*.

Fiscal year. **11.** The period from the 1st day of November to the 31st day of October of the year next following shall constitute the fiscal year for the purposes of this Act. *New*.

Interest. **12.** Except where otherwise specifically provided by this Act,—

(a) interest payable under this Act or the regulations shall be at the rate of four and three-quarters per centum per annum, compounded half-yearly; and

(b) interest shall be payable on any payment into or out of the fund, other than an annual allowance, which is not less than six months in arrears. *New*.

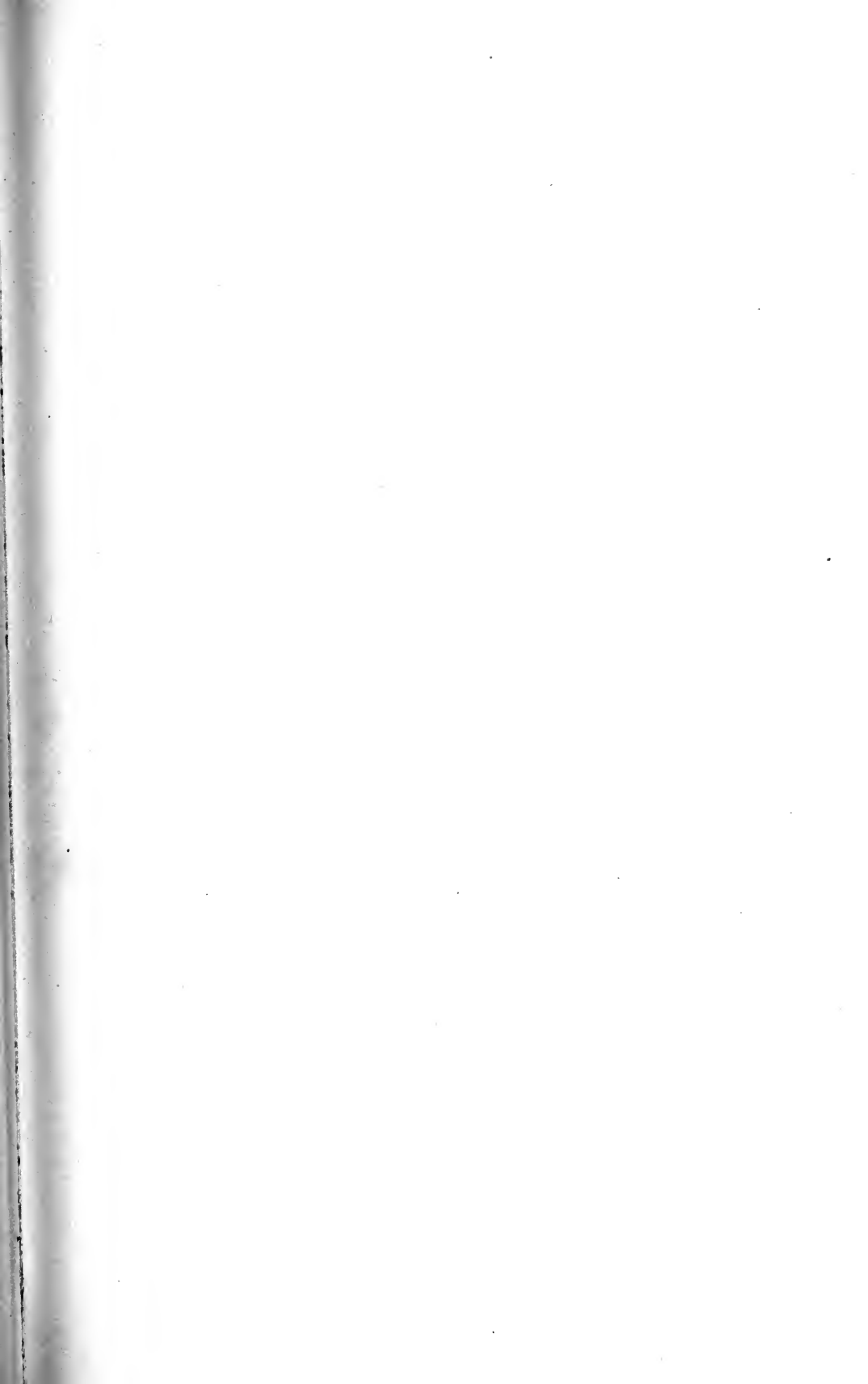
Audit. **13.**—(1) The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested from time to time shall be examined and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request. R.S.O. 1937, c. 366, s. 2 (9).

Costs and expenses of audit. (2) The costs and expenses of such audits and reports shall be paid by the Commission out of the fund. R.S.O. 1937, c. 366, s. 2 (10).

BANKING.

Bank account. **14.** An account shall be kept in some chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the fund, and every amount received as a payment into the fund shall be deposited to the credit of such account. R.S.O. 1937, c. 366, s. 2 (5), *part*.

Payments out of fund by cheque of Treasurer. **15.**—(1) Every allowance, every refund of an amount equal to contributions, and the expenses of the administration of this Act shall be payable out of the fund and every payment therefor shall be made by the cheque of the Treasurer of Ontario signed by him or by the Deputy Treasurer or by such other person as may be appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission. R.S.O. 1937, c. 366, s. 2 (6), *amended*.



(2) The payee of a cheque for an allowance under this Act shall indicate on the reverse thereof the number of days for which he has been employed during the month for which the cheque was issued, and the Commission may in any case direct that no further allowance be paid until compliance is made with this requirement. *New.*

Days of employment to be indicated.

16. The Treasurer of Ontario, as custodian of the fund, may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the fund, by way of overdraft or otherwise, such amount or amounts as may from time to time be required temporarily to provide for any payments out of the fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the fund, or both. 1942, c. 34, s. 38.

Bank loans.

CONTRIBUTIONS.

17.—(1) Every teacher and inspector who is employed shall contribute to the fund four per centum of his salary. R.S.O. 1937, c. 366, s. 4 (1); 1940, c. 32, s. 1; 1945 (2nd Session), c. 8, s. 29 (1), *amended.*

Contributions by teachers and inspectors.

(2) Where the salary of a teacher or inspector is at an annual rate of less than \$800 it shall, for the purposes of this section, be deemed to be at the annual rate of \$800. R.S.O. 1937, c. 366, s. 4 (3); 1945 (2nd Session), c. 8, s. 29 (2), *amended.*

Salaries under \$800.

(3) In this section "salary" shall include a cost of living or other bonus but shall not include any additional allowance paid to a teacher for special services performed at evening classes. *New.*

"Salary" defined.

18. Any person engaged as a teacher in or an inspector of a school or class which is,—

Contributions by teachers in special schools.

- (a) maintained for the instruction of members of His Majesty's forces who have been discharged;
- (b) conducted by the Government of Canada or the Government of Ontario, or both; and
- (c) designated by the regulations,

may, at his own option, be deemed to be employed for all the purposes of this Act. R.S.O. 1937, c. 366, s. 4 (2), *amended.*

19. Where a teacher or inspector receives part of his salary in respect of employment of a type prescribed in subclauses 1

Salary from different sources.

to v of clause *d* of section 1 and part of his salary in respect of other employment, for the purposes of this Act,—

- (a) his salary shall be deemed to be only the amount of the salary which he receives in respect of such prescribed employment; and
- (b) he shall be given credit for only that portion of each school year which bears the same proportion to the school year as the portion of his salary which he receives in respect of such prescribed employment bears to his total salary for such year. 1943, c. 26, s. 17, *amended*.

Deducting
contribu-
tions from
salaries.

20.—(1) The contributions payable by a teacher or inspector employed by a board or other authority shall be deducted by the board or other authority from each payment of the salary of the teacher or inspector and the Treasurer of Ontario shall annually deduct the total amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the fund, but if the amount of such grant is less than the total amount of such contributions the board or other authority shall pay the balance to the Treasurer of Ontario, who shall place it to the credit of the fund. R.S.O. 1937, c. 366, s. 4 (5), *amended*.

Contribu-
tions to
fund to be
reported to
Commission.

(2) Every board and other authority shall report contributions to the Commission as if annual salaries were made in ten equal payments, the first of such payments being in respect of the period commencing the 1st day of September. *New*.

Government
to retain
contribu-
tions out of
salaries.

21. In the case of a teacher or inspector who is a contributor to the fund and whose salary is paid by the Government of Ontario, the amount payable by such teacher or inspector shall be retained out of his salary and placed to the credit of the fund by the Treasurer of Ontario. R.S.O. 1937, c. 366, s. 4 (7), *amended*.

When
teacher
may make
contribu-
tions
directly.

22.—(1) A teacher or inspector who is,—

- (a) granted leave of absence from his employment for any purpose and for any period permitted by the regulations;
- (b) employed by two or more boards for full time as a teacher or supervisor of music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject; or

(c) employed by a board which refuses or neglects to



comply with the provisions of section 20, or which, by reason of non-compliance with any statute or regulation, is not entitled to share in the legislative grant for the schools under its jurisdiction,

may make his contributions directly to the fund on such terms and conditions and at such times as may be prescribed by the regulations. R.S.O. 1937, c. 366, s. 4 (6), *amended*.

(2) Contributions made by teachers and inspectors mentioned in subsection 1 may be made,— Time for payment.

(a) in the case of a teacher or inspector referred to in clause *a* of subsection 1, not later than one year after he resumes his duties as a teacher or inspector and not thereafter, and no interest shall be chargeable thereon; and

(b) in the case of a teacher or inspector referred to in clause *b* or *c* of subsection 1, at any time, together with interest from the 1st day of July following the school year in respect of which the contributions are made, provided that no interest shall be payable on amounts paid on or before the 31st day of December next following such 1st day of July. *New*.

23. Any contribution which through error has not been received in the regular way and at the customary time may be subsequently accepted by the Commission. *New*. Error in tendering contribution.

24. The Treasurer of Ontario shall, annually and at the same time as contributions are placed to the credit of the fund under section 20, place to the credit of the fund sums equal to those contributed by the teachers and inspectors under section 17. 1944, c. 56, s. 20, *amended*. Annual contributions by Province.

25. All sums placed to the credit of the fund during any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year, and the Treasurer of Ontario shall pay interest thereon for the period between the 1st day of February and the 31st day of July in each fiscal year at the rate payable upon loans issued for provincial purposes during such period as fixed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 366, s. 2 (4), *amended*. Interest.

26. Any change made in the rates of the contributions to the fund shall, unless otherwise specifically provided in the Act effecting such change, become effective as of the 1st day of September next following the coming into force of such Act. *New*. Change in rates.

TYPES OF ALLOWANCES.

Annual
allowance
on retire-
ment.

27.—(1) Every teacher and every inspector who,—

(a) has been employed for not less than thirty-six school years;

(b) is not less than,

(i) in the case of a male, sixty-five years of age, and

(ii) in the case of a female, sixty-two years of age; and

(c) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

Amount of
allowance.

(2) The amount of such allowance shall be computed by dividing the amount of his average salary for the years subsequent to the 1st day of April, 1917, for which he made contributions to the fund, by sixty and multiplying the quotient by a number equal to the number of school years for which he was employed, but not exceeding thirty-six, provided that,—

(a) for the purpose of computing the amount of the allowance,

(i) each school year for which he made contributions to the fund shall count as a school year of employment,

(ii) each school year for which he made contributions to a municipal or school board fund prior to the 1st day of April, 1917, which contributions were paid into the fund, shall count as a school year of employment,

(iii) each school year for which he was employed prior to the 1st day of April, 1917, other than the years referred to in subclause ii, shall count as one-half school year of employment, and

(iv) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions were paid into the fund pursuant to *The Public Service Act*, shall count as a school year of employment;

- (b) if the average salary for the number of years during which he has made contributions to the fund is equal to or exceeds \$800, the minimum annual allowance shall be \$500, but if less than \$800, the minimum annual allowance shall be sixty per centum of the average salary; and
- (c) if the amount of such annual payment as above computed is more than \$1,500, the amount of the annual payment shall be \$1,500, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,500 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity. 1945 (2nd Session), c. 8, s. 30 (1), *amended*.

28.—(1) Every teacher and every inspector who,—

Retirement
after forty
years'
service.

(a) has been employed for not less than forty school years; and

(b) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27. 1945 (2nd Session), c. 8, s. 30 (2), *part, amended*.

Amount of
allowance.

29.—(1) Every teacher and every inspector who,—

Retirement
after thirty
years'
service.

(a) has been employed for not less than thirty school years; and

(b) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the teacher or inspector, provided that no such annual allowance shall be less than the amount obtained by multiplying \$7 by a number equal to the number of school years for which the teacher or inspector has been employed. 1945 (2nd Session), c. 8, s. 30 (2), *part, amended*.

Amount of
allowance.

30.—(1) Every teacher and every inspector who,—

Retirement
on account
of total and
permanent
disability.

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of further earning his livelihood; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime.

Amount of allowance.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27. R.S.O. 1937, c. 366, s. 6 (4); 1940, c. 32, s. 2 (4), *amended*.

Retirement on account of permanent disability as teacher or inspector.

31.—(1) Every teacher and every inspector who,—

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime.

Amount of allowance.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the teacher or inspector, provided that no such allowance shall be less than \$240 per annum with an additional \$10 for each year by which the age of the applicant exceeds sixty years at the time the applicant ceased to be employed. R.S.O. 1937, c. 366, s. 6 (5); 1940, c. 32, s. 2 (5), *amended*.

Applicant with impairment.

32.—(1) Where the medical examination prescribed for admission to the Ontario College of Education, the Ontario Training College for Technical Teachers or a normal school discloses in any applicant a mental or physical impairment, defect or condition which in the opinion of the examiner would not render such applicant unfit as a teacher or inspector but might subsequently render him incapable of being employed

as a teacher or inspector, such applicant shall be admitted to the college or school only after he signs a consent, in the form prescribed by the regulations, to have the provisions of this section apply to him in the event of his becoming a teacher or inspector.

(2) Every teacher and every inspector who has signed a ~~consent~~ ^{Allowance} under subsection 1, who,—

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime. 1940, c. 32, s. 3, *part, amended*.

(3) The amount of such allowance shall be,—

Amount of
allowance.

- (a) in the case of a teacher or inspector who has been employed for less than thirty school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* ^{R.S.C., c. 7.} (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and
- (b) in the case of a teacher or inspector who has been employed for not less than thirty school years,
 - (i) the amount which he would be entitled to receive under section 27, 28 or 29, or
 - (ii) the amount as computed in the manner prescribed by clause a,

whichever is the larger. *New.*

33.—(1) A teacher or inspector may by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed direct that the annual allowance to which he would be entitled shall be ^{Annuity in lieu of annual allowance.}

converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate,—

- (a) in the case of a married teacher or inspector, to his surviving spouse; and
- (b) in the case of any other teacher or inspector, to any dependent named in any such direction. 1945 (2nd Session), c. 8, s. 31.

Where direction not given.

(2) A teacher or inspector who has not given a direction within the time prescribed in subsection 1, may at a later date, but not after making application for an annual allowance, give such a direction upon passing a medical examination satisfactory to the Commission. R.S.O. 1937, c. 366, s. 7 (3), *amended*.

Revocation of direction.

(3) A teacher or inspector who has given a direction under this section may, at any time before he ceases to be employed, revoke such direction.

Where direction not effective.

(4) Where a teacher or inspector who has given a direction under this section dies,—

- (a) before he makes application for the annual allowance to which he would be entitled; or
- (b) before he ceases to be employed as a teacher or inspector,

the direction shall have no effect. *New*.

PAYMENT OF ANNUAL ALLOWANCES.

Applications for allowances.

34. An annual allowance shall be made only upon an application therefor, in the prescribed form, being made to the Commission. *New*.

Proof of disability.

35. No application for an annual allowance under section 30, 31 or 32 shall be considered by the Commission until the Commission has obtained,—

- (a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and
- (b) the report of an official medical referee appointed by the Commission containing such recommendations as he may deem proper with regard to the granting of an annual allowance to the applicant. *New*.

36. A teacher or inspector shall not at any one time be entitled to receive more than one annual allowance under this Act. *New.* Only one allowance to be received.

37. Every annual allowance to a teacher or inspector shall be payable in monthly instalments and shall be apportionable to the date of death. R.S.O. 1937, c. 366, s. 6 (3), *amended.* Allowance to be paid monthly and to be apportionable.

38. Every annual allowance shall commence as of the first day of the month next following the month during which the teacher or inspector ceased to be employed, provided that an annual allowance under section 30, 31 or 32 shall not commence as of a date earlier than one year prior to the date upon which the completed application therefor reaches the Commission. *New.* Commencement of allowance.

39.—(1) Where a teacher or inspector who is receiving an annual allowance under section 27, 28 or 29 becomes employed upon either a temporary or a permanent basis he shall forthwith give notice thereof to the Commission in writing and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. Re-employment, notice of where service allowance;

(2) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in any school or institution either within or outside of Ontario upon either a temporary or a permanent basis he shall forthwith give notice thereof to the Commission in writing and in default of so doing shall forfeit any further claim to any benefit under the Act unless the Commission otherwise directs. R.S.O. 1937, c. 366, s. 14, *amended.* disability allowance.

40.—(1) Where a teacher or inspector who is receiving an annual allowance under section 27, 28 or 29 becomes employed,— Re-employment, effect of where service allowance;

(a) the annual allowance shall cease to be paid; and

(b) he shall contribute to the fund during the period that he is employed.

(2) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes employed,— disability allowance.

(a) the annual allowance shall cease to be paid;

(b) he shall contribute to the fund during the period that he is employed; and

(c) he shall repay to the fund the amount of the annual allowance received by him, with accumulated interest.

Idem.

(3) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes engaged as a teacher or inspector in any school or institution either within or outside of Ontario but is not employed within the meaning of clause *d* of section 1,—

(a) the annual allowance shall cease to be paid; and

(b) he shall repay to the fund the amount of the annual allowance received by him, with accumulated interest.
New.

Resump-
tion of
service
allowance.

41. Where a teacher or inspector receiving an annual allowance under section 27, 28 or 29, having become employed, again ceases to be employed,—

(a) in the case of a teacher or inspector who has been so employed for a period of less than two school years, payment of the annual allowance shall be resumed without any adjustment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;

(b) in the case of a teacher or inspector who has been so employed for a period of not less than two school years an application for an annual allowance shall be treated as an application for a new annual allowance; and

(c) in no case shall he be entitled to receive an annual allowance under section 30, 31 or 32. 1945 (2nd Sess.), c. 8, s. 30 (1), *part, amended*.

Recipient
of disability
allowance
becoming
employed.

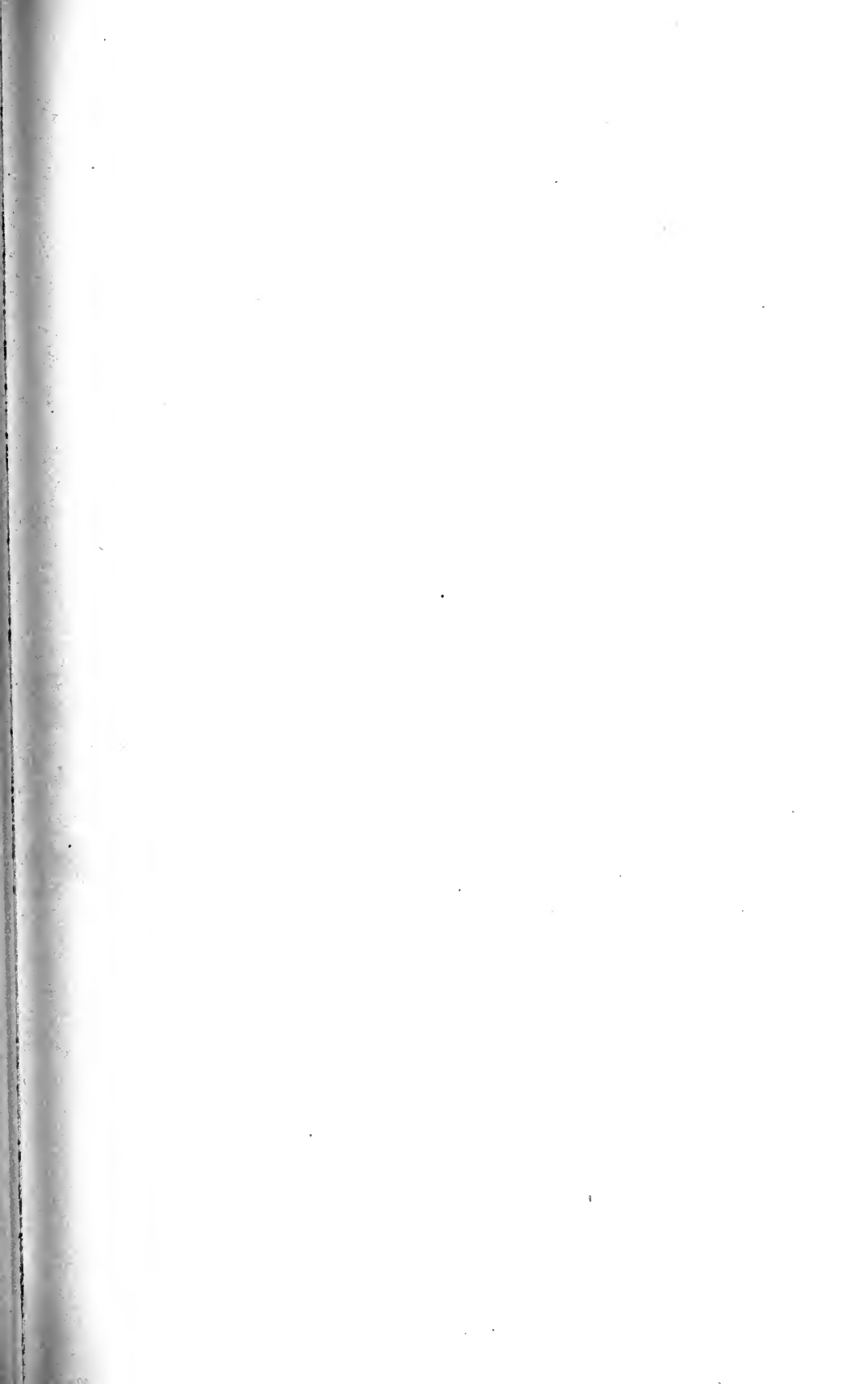
42. Where a teacher or inspector receiving an annual allowance under section 30, 31 or 32 becomes employed or becomes engaged as a teacher or inspector in any school or institution either within or outside of Ontario,—

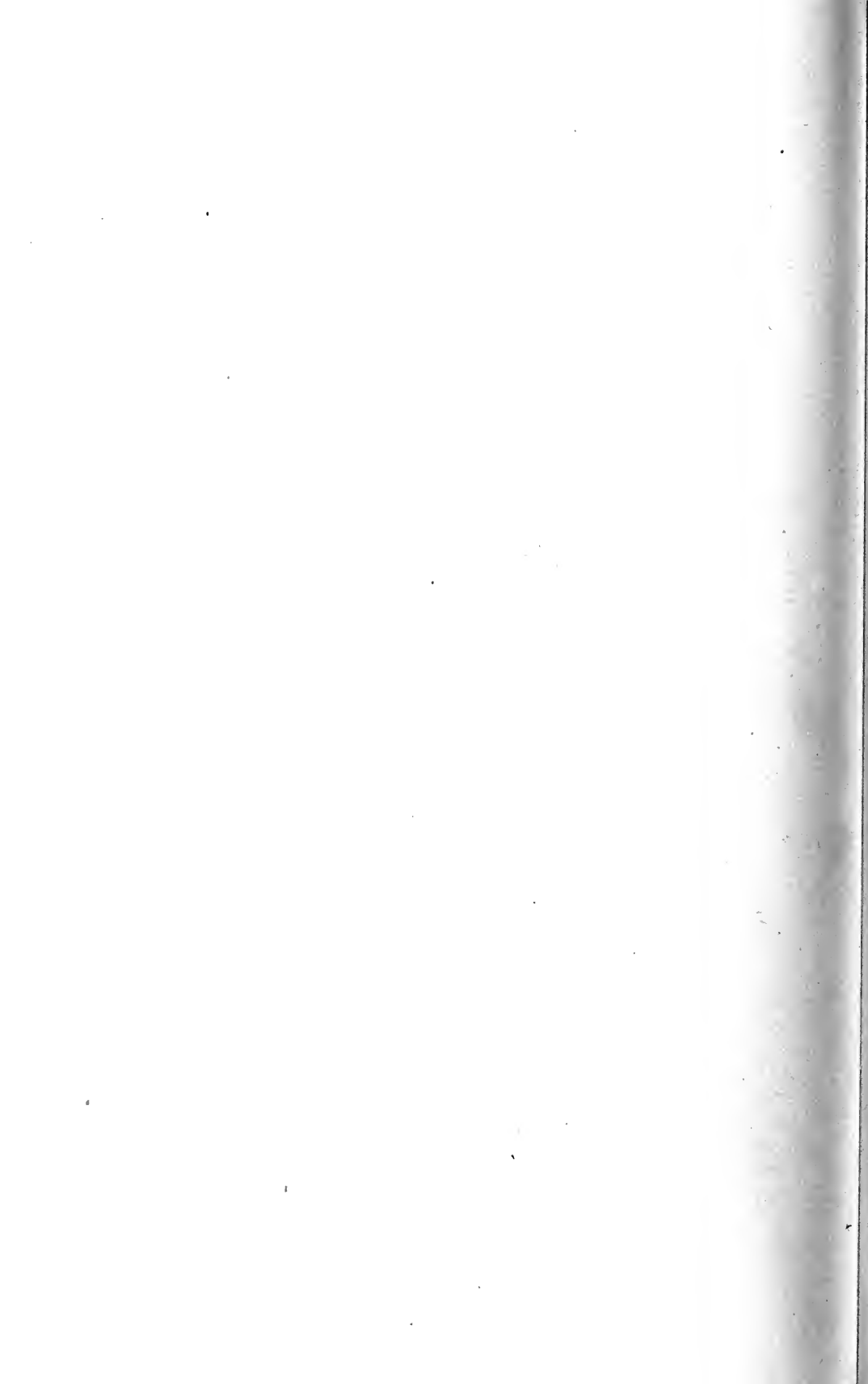
(a) any application subsequently made for an annual allowance shall be treated as an application for a new annual allowance; and

(b) any annual allowance or refund of contributions which he may subsequently become entitled to receive shall be reduced actuarially by any amount which he has failed to repay to the fund in accordance with the provisions of section 40. *New.*

Evidence of
mental or
physical
condition.

43.—(1) The Commission may at any time require a teacher or inspector who,—





(a) is receiving an annual allowance under section 30 or 31; or

(b) having been employed for less than thirty years, is receiving an annual allowance under section 32,

to furnish evidence, in such form as it may direct, of his mental or physical condition.

(2) Where the teacher or inspector fails to furnish evidence that his mental or physical condition continues to be of a nature which would entitle him to receive an annual allowance under the section pursuant to which his annual allowance is paid, the Commission may direct that the annual allowance shall cease to be paid and that no further annual allowance shall be paid to him or that such other annual allowance as the Commission finds him to be entitled to shall be paid to him.

Failure to furnish evidence.

(3) Where a teacher or inspector whose annual allowance has ceased to be paid in accordance with the provisions of subsection 2 does not again become employed he shall be entitled to receive out of the fund an amount equal to the amounts contributed by him to the fund with interest at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 6 (7), *amended*.

Payment out of fund.

44. Where the Commission is satisfied that any person to whom an allowance or any other amount is payable under this Act is incapable of managing his own affairs, the Commission may direct that any cheque for moneys payable to such person shall be made payable to his wife or child or to some other member of his family or household or to the committee of his estate and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. R.S.O. 1937, c. 366, s. 12 (2), *amended*.

Where payee incapable.

45. Moneys payable to a teacher or an inspector under this Act shall not be subject to his debts, or be attached or taken in execution, and no assignment of any moneys payable or to become payable to a teacher or inspector under this Act shall be valid or binding, but every amount so payable shall be payable directly to the teacher or inspector or to his personal representative. R.S.O. 1937, c. 366, s. 12 (1), *amended*.

Moneys not subject to attachment, assignment.

46. Any allowance which at the date of the coming into force of this Act is being paid under or in accordance with

Pensions under other Act continued.

clause *f* of subsection 1 of section 6 or section 15 or 18 of *The Teachers' and Inspectors' Superannuation Act*, being chapter 366 of the Revised Statutes of Ontario, 1937, shall continue to be paid and for the purposes thereof such sections shall be deemed to continue in force. *New.*

Change in
manner of
computing
annual
allowance.

47. Where any change in the manner of computing annual allowances is effected by an amendment to this Act, such amendment shall,—

(a) come into force on the 1st day of July following the making of such amendment;

(b) affect only annual allowances which commence on or after the date of the coming into force thereof,

unless it is specifically otherwise provided in the amending Act. *New.*

REFUNDS OF CONTRIBUTIONS.

Application
for refund.

48. A refund of an amount equal to the contributions of a teacher or inspector shall be made only upon an application therefor, in the prescribed form, being made to the Commission. *New.*

Right to
refund.

49.—(1) A teacher or inspector who has been employed for at least five school years and ceases to be employed by withdrawing from the profession shall be entitled to receive an amount equal to the whole of his contributions to the fund together with interest thereon at the rate of one and one-half per centum per annum compounded half-yearly from the date of the cessation of employment to the date of the refund. R.S.O. 1937, c. 366, s. 8 (1), *amended.*

Forced
retirement.

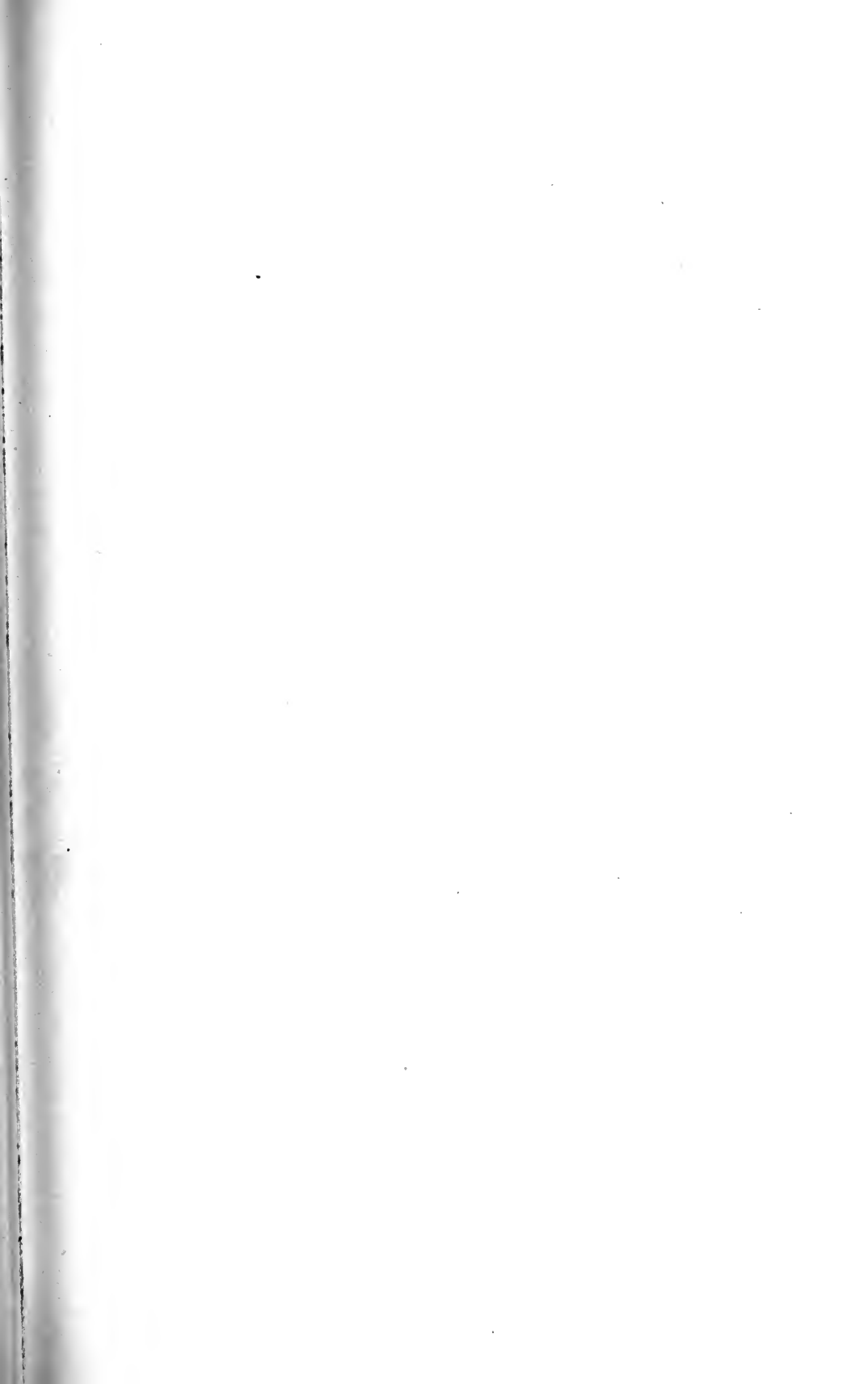
(2) A teacher or inspector who has been employed for at least fifteen school years and ceases to be employed by reason of a by-law or resolution of the board or other authority employing him before he becomes entitled to an annual allowance under this Act, shall be entitled to receive a sum equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly. *New.*

When
employment
deemed
to end.

(3) For the purposes of this section the date upon which a teacher or inspector shall be deemed to cease to be employed shall be the last day for which he was paid in the last school year during which he was employed for not fewer than twenty days. *New.*

Time of
payment.

(4) No payment shall be made under subsection 1 until



three months after the date upon which the teacher or inspector ceased to be employed. *New.*

(5) Where a teacher or inspector has withdrawn his contributions from the fund and subsequently becomes employed for not fewer than twenty school days, he shall repay to the fund the amount withdrawn therefrom with interest from the date of withdrawal and where he does not make such repayment, any annual allowance or other payment out of the fund which he may subsequently become entitled to receive shall be reduced actuarially by the amount withdrawn and not repaid together with accumulated interest. R.S.O. 1937, c. 366, s. 8 (2), *amended*. Repayment on resuming teaching.

50.—(1) Where a teacher or inspector ceases to be employed before he has been employed for a period of five school years, the amount of his contributions shall remain in the fund and, unless he again becomes employed, he shall have no claim thereto. Where employed under five years.

(2) Where a teacher or inspector who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, there shall be paid to his personal representative an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. *New.* Event of death.

51. Where a teacher or inspector who is in receipt of an annual allowance under section 27, 28 or 29 becomes employed no refund of an amount equal to his contributions made after his return to employment shall be made except upon his death. *New.* Return to employment.

52. Notwithstanding the provisions of sections 50 and 51, a teacher or inspector who has been employed for fewer than twenty days in any school year shall be entitled to receive an amount equal to the whole of his contributions to the fund for that school year, without interest. *New.* Where employed under twenty days.

53.—(1) Where a teacher or inspector who is not in receipt of an annual allowance dies, his personal representative shall be entitled to receive an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 6 (8); 1940, c. 32, s. 2 (6), *amended*. Death before receiving allowance.

(2) Where a teacher or inspector dies after becoming entitled to an allowance, his personal representative shall be Death after becoming entitled to annual allowance.

entitled to receive out of the fund an amount equal to the amounts contributed by the teacher or inspector to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the teacher or inspector with interest to the date of death at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 9, *amended*.

REGULATIONS.

Regulations. **54.** Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations,—

- (a) prescribing the powers and duties of the chairman and the secretary;
- (b) prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
- (c) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (d) prescribing the form of application for an annual allowance and for a refund of contributions and the information and material to be furnished therewith, including the form thereof, and prescribing other information and material which shall be taken into consideration by the Commission in considering applications for allowances;
- (e) prescribing the procedure to be followed by the Commission in considering and disposing of applications for annual allowances and for refunds of contributions;
- (f) requiring teachers and inspectors who are contributors to or in receipt of allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (g) authorizing the Commission to require teachers and inspectors who are contributors to or in receipt of allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (h) prescribing the system of reductions which shall be applied in computing the pensions provided for in sections 29 and 31;

- (i) prescribing the manner of calculating the rates and amounts of annuities payable under section 33;
- (j) governing teachers and inspectors who cease to be employed because of ill health or for the purpose of taking any course of study designated by the regulations or approved by the Commission and prescribing the amount of, the time within which and the conditions upon which contributions shall be made by any such teacher or inspector and the credit to which he shall be entitled in respect of the period during which he is not employed;
- (k) prescribing the conditions under which credit may be given under the Act for services performed as a teacher or inspector in another province of Canada or in any other part of the British Commonwealth of Nations where such teacher or inspector is subsequently employed in Ontario and prescribing the amount of such credit;
- (l) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a teacher or inspector formerly employed in Ontario who has become a teacher or inspector in such other province or part of the British Commonwealth of Nations;
- (m) prescribing special provisions governing the conditions under which teachers and inspectors in receipt of annual allowances may become employed during any period which is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the annual allowances paid to them;
- (n) prescribing special provisions applicable to teachers and inspectors in respect of active service in His Majesty's forces or special war service or time spent receiving medical or surgical treatment for a disability sustained while on active service or special war service, including,
 - (i) the defining of active service and special war service,
 - (ii) the contributions required or permitted to be made in respect of such periods by or on behalf of such teachers and the time and manner of making such contributions,

- (iii) the credit to be given for periods spent in such service or while receiving such treatment, and
- (iv) generally such provisions as may be necessary to extend to such teachers and inspectors the benefits available under this Act in respect of such periods;
- (o) respecting teachers and inspectors employed in schools whose board or teachers, or both, are reported by the Minister of Education to the Commission as having failed to comply with the provisions of any Acts or regulations administered by the Department including,
 - (i) the terms and conditions upon which contributions shall be made to the fund, and
 - (ii) the credit to be given to such teachers and inspectors in respect of the period of non-compliance;
- (p) designating schools in respect of which the provisions of section 18 shall apply;
- (q) prescribing forms for use under the Act and regulations; and
- (r) generally for the better carrying out of the provisions of this Act. R.S.O. 1937, c. 366, s. 17; 1943, c. 26, s. 19; 1945 (2nd Sess.), c. 8, s. 32, *amended*.

GENERAL.

Reference
to existing
allowances.

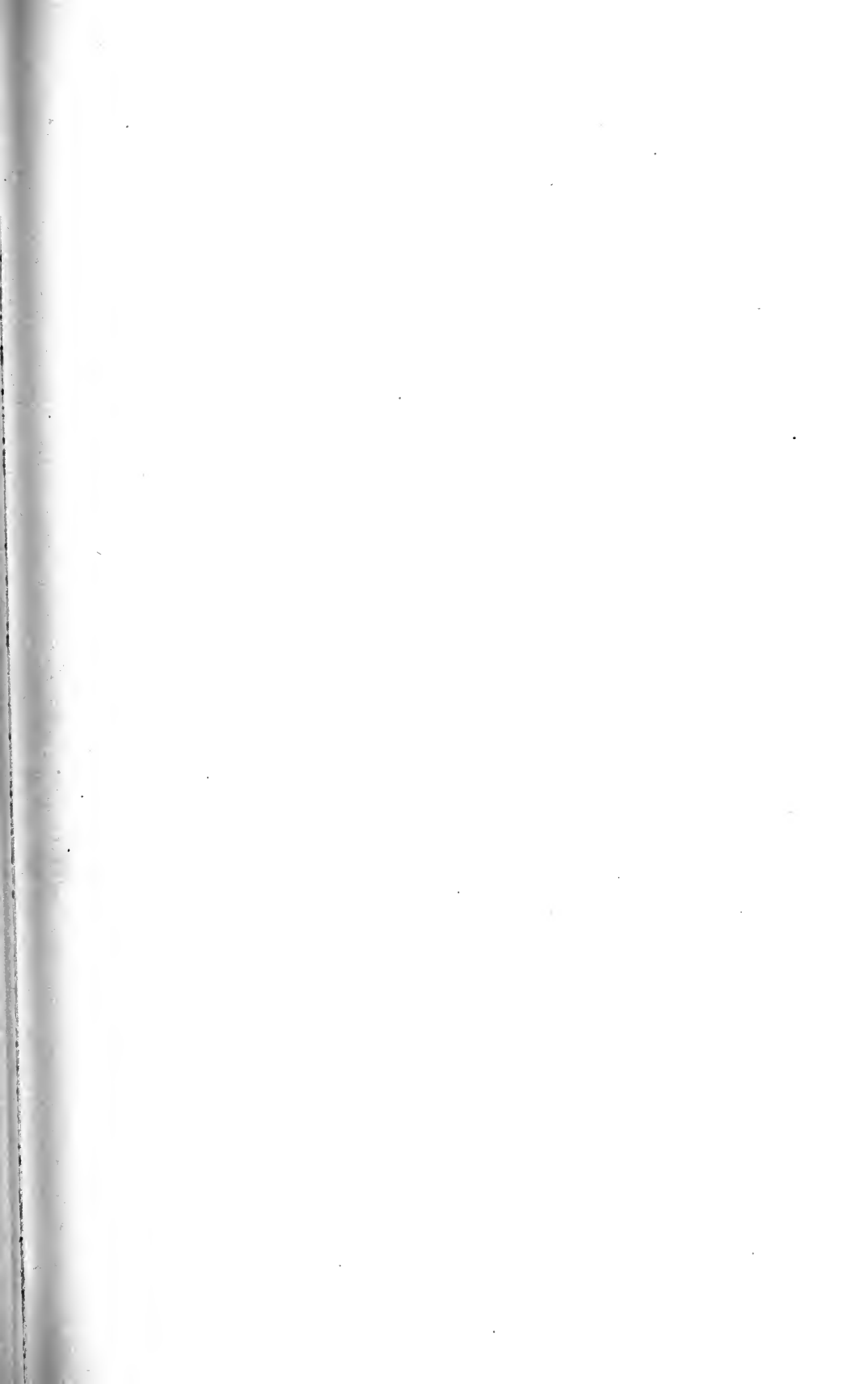
55. All references to annual allowances made under specified sections of this Act shall, unless the context otherwise requires, be deemed to include every similar annual allowance made under a corresponding provision of any Act which has been superseded by this Act. *New.*

Contributor
at time of
coming into
force of Act.

56. A teacher or inspector who is a contributor to the fund at the time of the coming into force of this Act may, notwithstanding any of the provisions of this Act, continue to make contributions to the fund and shall accordingly be entitled to the benefits provided by this Act for contributors to the fund. *New.*

Rev. Stat.,
c. 366, s. 6,
subs. 1
(1945,
2nd Sess.,
c. 8, s. 30,
subs. 1),
amended.

57.—(1) Subsection 1 of section 6 of *The Teachers' and Inspectors' Superannuation Act* as re-enacted by subsection 1 of section 30 of *The School Law Amendment Act, 1945*, is amended by adding thereto the following clause:



- (h) Notwithstanding anything contained in any of the preceding clauses the amount of such annual payment as above computed shall not exceed three-fifths of the average salary of the teacher or inspector as computed according to this subsection.

(2) This section shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 30th day of June, 1945, and to have effect until the 1st day of July, 1946. Commencement of section.

58. *The Teachers' and Inspectors' Superannuation Act*, section 36 of *The School Law Amendment Act, 1938*, *The Teachers' and Inspectors' Superannuation Amendment Act, 1940*, sections 19 and 20 of *The School Law Amendment Act, 1941*, section 38 of *The Statute Law Amendment Act, 1942*, sections 16, 17, 18 and 19 of *The School Law Amendment Act, 1943*, sections 20 and 21 of *The School Law Amendment Act, 1944*, and sections 29, 30, 31 and 32 of *The School Law Amendment Act, 1945*, are repealed. Rev. Stat., c. 366; 1938, c. 35, s. 36; 1940, c. 32; 1941, c. 52, ss. 19, 20; 1942, c. 34, s. 38; 1943, c. 26, ss. 16-19; 1944, c. 56, ss. 20, 21; 1945 (2nd Sess.), c. 8, ss. 29-32, repealed.

59. This Act, other than section 57, shall come into force on the 1st day of July, 1946. Commencement of Act.

60. This Act may be cited as *The Teachers' and Inspectors' Superannuation Act, 1946*. Short title.

BILL

The Teachers' and Inspectors'
Superannuation Act, 1946.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

The Teachers' and Inspectors' Superannuation Act, 1946.

MR. DREW

BILL

The Teachers' and Inspectors' Superannuation Act, 1946.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION.

1. In this Act,—

Interpreta-
tion,—

- (a) "board" shall mean board of public school trustees, "board"; board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board and board of education;
- (b) "Commission" shall mean Teachers' and Inspectors' "Commis-
Superannuation Commission"; sion";
- (c) "Department" shall mean Department of Education; "Depart-
ment";
- (d) "employed" shall mean engaged, "employed";
 - (i) as a teacher in or inspector of a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school, a school to which *The Vocational Education Act* applies, the Ontario College of Education, or the University of Toronto Schools, Rev. Stat.,
c. 369.
 - (ii) as a teacher in or inspector of a school or class supported in whole or in part by contributions from the Province or from a municipal corporation, and designated by the regulations,
 - (iii) as a teacher in or inspector of a school outside of Ontario under a system of exchanging teachers, or otherwise, authorized by the Minister,

(iv) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations, or

(v) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

(vi) is a member of the staff of a technical or vocational school but, not being a teacher by profession, pursues some other occupation or calling,

(vii) is engaged only for part time to teach music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject,

(viii) is a teacher or inspector regularly engaged outside Ontario who is performing services in Ontario under a system of exchanging teachers, or otherwise, approved by the Minister, or

(ix) is a contributor to the Public Service Superannuation Fund established under *The Public Service Act*;

Rev. Stat.,
c. 15.

"fund";

(e) "fund" shall mean teachers' and inspectors' superannuation fund;

"inspector";

(f) "inspector" shall include,

(i) an inspector of the Penny Savings Bank, and

(ii) any person employed by a board in a supervisory capacity,

but no person shall be deemed to be an inspector within the meaning of this Act unless he is qualified to teach in a public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school or a school to which *The Vocational Education Act* applies in accordance with the Acts and regulations administered by the Department of Education;

Rev. Stat.,
c. 369.

"Minister";

(g) "Minister" shall mean Minister of Education;

- (h) "regulations" shall mean regulations made under this ^{"regulations";} Act;
- (i) "secretary" shall mean secretary of the Commission; "secretary";
- (j) "teacher" shall mean a person qualified to teach in a ^{"teacher".} public school, separate school, continuation school, high school, collegiate institute, provincial normal or model school or a school to which *The Vocational Education Act* applies in accordance with the Acts and regulations administered by the Department of Education. R.S.O. 1937, c. 366, s. 1, *amended*.

THE COMMISSION.

2.—(1) There shall continue to be a commission to be ^{Commission, —} known as the Teachers' and Inspectors' Superannuation Com- ^{appointment} mission consisting of seven members who shall be appointed ^{and} and elected as follows: ^{election.}

- (a) an actuary and three other persons appointed by the Minister triennially; and
- (b) three teachers or inspectors who are contributors to the fund, each of whom shall hold office for a period of three years and shall be elected by ballot by the teachers and inspectors who are contributors to the fund,
 - (i) one of whom shall be elected from and by the public and separate school female teachers and inspectors during the period of April and May, 1943,
 - (ii) one of whom shall be elected from and by the secondary school teachers during the period of April and May, 1944, and
 - (iii) one of whom shall be elected from and by the public and separate school male teachers and inspectors during the period of April and May, 1945,

and in this manner in each succeeding triennium.
R.S.O. 1937, c. 366, s. 16 (1), *part*.

(2) The Minister shall triennially designate one of the ^{Chairman.} members of the Commission to be the chairman thereof.
R.S.O. 1937, c. 366, s. 16 (3).

Vacancies.

(3) A vacancy occurring among the elected members shall be filled by the election of a person to fill such vacancy, for the unexpired portion of the term, within six months after the vacancy occurs. 1943, c. 26, s. 18 (3), *amended*.

Term of office.

(4) Each member of the Commission shall continue to hold office until his successor has been duly appointed or elected, as the case may be. R.S.O. 1937, c. 366, s. 16 (5).

Place of meeting; time of meeting.

3.—(1) The Commission shall meet in the offices of the Department of Education in Toronto on the third Friday of September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as it may be called together by the chairman.

Quorum.

(2) At any meeting of the Commission five members shall constitute a quorum. *New*.

Determining right to allowance.

4. The Commission shall determine the right of every applicant to receive an annual allowance or a refund of his contributions to the fund and the amount thereof. *New*.

Secretary.

5. There shall be a secretary of the Commission who shall be appointed by the Commission and paid out of the fund. *New*.

THE FUND.

Fund continued.

6.—(1) The Teachers' and Inspectors' Superannuation Fund is continued. R.S.O. 1937, c. 366, s. 2 (1). *Amended*.

Custodian of fund.

(2) The Treasurer of Ontario shall be the custodian of the fund. R.S.O. 1937, c. 366, s. 2 (2).

Actuarial valuation.

(3) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as at the 1st day of July, 1948, and the Minister may direct an additional valuation to be made at any time. R.S.O. 1937, c. 366, s. 11 (1), *amended*.

Receiving gifts, etc., for fund.

7. The Commission may receive any gift, devise or bequest made to, or for the purposes of the fund, and shall pay it or the proceeds thereof, into the fund, to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. R.S.O. 1937, c. 366, s. 2 (11), *amended*.

INVESTMENTS.

Issue of Ontario Government stock confirmed.

8.—(1) The issue by the Treasurer of Ontario of Ontario Government stock in the sum of \$31,200,000 dated November 1st, 1942, and bearing interest at the rate of four and three-

quarters per centum per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed. *New.*

(2) During the period commencing the 1st day of November, 1942, and ending on the 31st day of October, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1952, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. Debentures authorized.

(3) During each succeeding ten-year period the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Commission and approved by the Lieutenant-Governor in Council as being applicable for that period. Issue of debentures for surplus funds.

(4) On the 1st day of November, 1952, and on the 1st day of November of each succeeding ten-year period, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 3, such debentures or stock to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 3 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock. R.S.O. 1937, c. 366, s. 3 (5, 6, 7), *amended*. Debentures for accumulated surplus funds.

(5) The Ontario Government debentures and stock issued under this section shall be a charge upon the Consolidated Revenue Fund. *New.* Debentures to be charge on Consolidated Revenue Fund.

9. All securities belonging to the fund shall be deposited with the Treasurer of Ontario who shall be responsible for their safe-keeping. *New.* Securities to be deposited with Treasurer.

ACCOUNTS.

10. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out Accounts.

of the fund and any sums that are received from time to time by way of contributions to the fund or that may be paid by the Treasurer of Ontario towards the administration thereof. R.S.O. 1937, c. 366, s. 2 (5), *part, amended*.

Fiscal year. **11.** The period from the 1st day of November to the 31st day of October of the year next following shall constitute the fiscal year for the purposes of this Act. *New*.

Interest. **12.** Except where otherwise specifically provided by this Act,—

- (a) interest payable under this Act or the regulations shall be at the rate of four and three-quarters per centum per annum, compounded half-yearly; and
- (b) interest shall be payable on any payment into or out of the fund, other than an annual allowance, which is not less than six months in arrears. *New*.

Audit. **13.**—(1) The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested from time to time shall be examined and checked by the Provincial Auditor or by such other auditor or auditors and at such times as the Lieutenant-Governor in Council shall direct, and such auditor or auditors shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he shall from time to time direct or request. R.S.O. 1937, c. 366, s. 2 (9).

Costs and expenses of audit. (2) The costs and expenses of such audits and reports shall be paid by the Commission out of the fund. R.S.O. 1937, c. 366, s. 2 (10).

BANKING.

Bank account. **14.** An account shall be kept in some chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the fund, and every amount received as a payment into the fund shall be deposited to the credit of such account. R.S.O. 1937, c. 366, s. 2 (5), *part*.

Payments out of fund by cheque of Treasurer. **15.**—(1) Every allowance, every refund of an amount equal to contributions, and the expenses of the administration of this Act shall be payable out of the fund and every payment therefor shall be made by the cheque of the Treasurer of Ontario signed by him or by the Deputy Treasurer or by such other person as may be appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission. R.S.O. 1937, c. 366, s. 2 (6), *amended*.

(2) The payee of a cheque for an allowance under this Act shall indicate on the reverse thereof the number of days for which he has been employed during the month for which the cheque was issued, and the Commission may in any case direct that no further allowance be paid until compliance is made with this requirement. *New.*

Days of employment to be indicated.

16. The Treasurer of Ontario, as custodian of the fund, may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the fund, by way of overdraft or otherwise, such amount or amounts as may from time to time be required temporarily to provide for any payments out of the fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the fund, or both. 1942, c. 34, s. 38.

Bank loans.

CONTRIBUTIONS.

17.—(1) Every teacher and inspector who is employed shall contribute to the fund four per centum of his salary. R.S.O. 1937, c. 366, s. 4 (1); 1940, c. 32, s. 1; 1945 (2nd Session), c. 8, s. 29 (1), *amended.*

Contributions by teachers and inspectors.

(2) Where the salary of a teacher or inspector is at an annual rate of less than \$800 it shall, for the purposes of this section, be deemed to be at the annual rate of \$800. R.S.O. 1937, c. 366, s. 4 (3); 1945 (2nd Session), c. 8, s. 29 (2), *amended.*

Salaries under \$800.

(3) In this section "salary" shall include a cost of living or other bonus but shall not include any additional allowance paid to a teacher for special services performed at evening classes. *New.*

"Salary" defined.

18. Any person engaged as a teacher in or an inspector of a school or class which is,—

Contributions by teachers in special schools.

(a) maintained for the instruction of members of His Majesty's forces who have been discharged;

(b) conducted by the Government of Canada or the Government of Ontario, or both; and

(c) designated by the regulations,

may, at his own option, be deemed to be employed for all the purposes of this Act. R.S.O. 1937, c. 366, s. 4 (2), *amended.*

19. Where a teacher or inspector receives part of his salary in respect of employment of a type prescribed in subclauses

Salary from different sources.

to v of clause *d* of section 1 and part of his salary in respect of other employment, for the purposes of this Act,—

- (a) his salary shall be deemed to be only the amount of the salary which he receives in respect of such prescribed employment; and
- (b) he shall be given credit for only that portion of each school year which bears the same proportion to the school year as the portion of his salary which he receives in respect of such prescribed employment bears to his total salary for such year. 1943, c. 26, s. 17, *amended*.

Deducting
contribu-
tions from
salaries.

20.—(1) The contributions payable by a teacher or inspector employed by a board or other authority shall be deducted by the board or other authority from each payment of the salary of the teacher or inspector and the Treasurer of Ontario shall annually deduct the total amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the fund, but if the amount of such grant is less than the total amount of such contributions the board or other authority shall pay the balance to the Treasurer of Ontario, who shall place it to the credit of the fund. R.S.O. 1937, c. 366, s. 4 (5), *amended*.

Contribu-
tions to
fund to be
reported to
Commission.

(2) Every board and other authority shall report contributions to the Commission as if annual salaries were made in ten equal payments, the first of such payments being in respect of the period commencing the 1st day of September. *New*.

Government
to retain
contribu-
tions out of
salaries.

21. In the case of a teacher or inspector who is a contributor to the fund and whose salary is paid by the Government of Ontario, the amount payable by such teacher or inspector shall be retained out of his salary and placed to the credit of the fund by the Treasurer of Ontario. R.S.O. 1937, c. 366, s. 4 (7), *amended*.

When
teacher
may make
contribu-
tions
directly.

22.—(1) A teacher or inspector who is,—

- (a) granted leave of absence from his employment for any purpose and for any period permitted by the regulations;
- (b) employed by two or more boards for full time as a teacher or supervisor of music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject;
or
- (c) employed by a board which refuses or neglects to

comply with the provisions of section 20, or which, by reason of non-compliance with any statute or regulation, is not entitled to share in the legislative grant for the schools under its jurisdiction,

may make his contributions directly to the fund on such terms and conditions and at such times as may be prescribed by the regulations. R.S.O. 1937, c. 366, s. 4 (6), *amended*.

(2) Contributions made by teachers and inspectors mentioned in subsection 1 may be made,—^{Time for payment.}

(a) in the case of a teacher or inspector referred to in clause *a* of subsection 1, not later than one year after he resumes his duties as a teacher or inspector and not thereafter, and no interest shall be chargeable thereon; and

(b) in the case of a teacher or inspector referred to in clause *b* or *c* of subsection 1, at any time, together with interest from the 1st day of July following the school year in respect of which the contributions are made, provided that no interest shall be payable on amounts paid on or before the 31st day of December next following such 1st day of July. *New*.

23. Any contribution which through error has not been received in the regular way and at the customary time may be subsequently accepted by the Commission. *New*.^{Error in tendering contribution.}

24. The Treasurer of Ontario shall, annually and at the same time as contributions are placed to the credit of the fund under section 20, place to the credit of the fund sums equal to those contributed by the teachers and inspectors under section 17. 1944, c. 56, s. 20, *amended*.^{Annual contributions by Province.}

25. All sums placed to the credit of the fund during any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year, and the Treasurer of Ontario shall pay interest thereon for the period between the 1st day of February and the 31st day of July in each fiscal year at the rate payable upon loans issued for provincial purposes during such period as fixed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 366, s. 2 (4), *amended*.^{Interest.}

26. Any change made in the rates of the contributions to the fund shall, unless otherwise specifically provided in the Act effecting such change, become effective as of the 1st day of September next following the coming into force of such Act. *New*.^{Change in rates.}

TYPES OF ALLOWANCES.

Annual
allowance
on retire-
ment.

27.—(1) Every teacher and every inspector who,—

- (a) has been employed for not less than thirty-six school years;
- (b) is not less than,
 - (i) in the case of a male, sixty-five years of age, and
 - (ii) in the case of a female, sixty-two years of age; and
- (c) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

Amount of
allowance.

(2) The amount of such allowance shall be computed by dividing the amount of his average salary for the years subsequent to the 1st day of April, 1917, for which he made contributions to the fund, by sixty and multiplying the quotient by a number equal to the number of school years for which he was employed, but not exceeding thirty-six, provided that,—

- (a) for the purpose of computing the amount of the allowance,
 - (i) each school year for which he made contributions to the fund shall count as a school year of employment,
 - (ii) each school year for which he made contributions to a municipal or school board fund prior to the 1st day of April, 1917, which contributions were paid into the fund, shall count as a school year of employment,
 - (iii) each school year for which he was employed prior to the 1st day of April, 1917, other than the years referred to in subclause ii, shall count as one-half school year of employment, and
 - (iv) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions were paid into the fund pursuant to *The Public Service Act*, shall count as a school year of employment;

- (b) if the average salary for the number of years during which he has made contributions to the fund is equal to or exceeds \$800, the minimum annual allowance shall be \$500, but if less than \$800, the minimum annual allowance shall be sixty per centum of the average salary; and
- (c) if the amount of such annual payment as above computed is more than \$1,500, the amount of the annual payment shall be \$1,500, but if at the time of his becoming entitled to such maximum allowance the teacher or inspector has paid into the fund a sum sufficient to purchase at Dominion Government rates a life annuity of a greater amount than \$1,500 per annum, the annual allowance payable to him under this Act shall equal the amount of such annuity. 1945 (2nd Session), c. 8, s. 30 (1), *amended*.

28.—(1) Every teacher and every inspector who,—

Retirement
after forty
years'
service.

(a) has been employed for not less than forty school years; and

(b) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27. 1945 (2nd Session), c. 8, s. 30 (2), *part, amended*.

Amount of
allowance.

29.—(1) Every teacher and every inspector who,—

Retirement
after thirty
years'
service.

(a) has been employed for not less than thirty school years; and

(b) has ceased to be employed,

shall be entitled to an annual allowance during his lifetime.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the teacher or inspector, provided that no such annual allowance shall be less than the amount obtained by multiplying \$7 by a number equal to the number of school years for which the teacher or inspector has been employed. 1945 (2nd Session), c. 8, s. 30 (2), *part, amended*.

Amount of
allowance.

30.—(1) Every teacher and every inspector who,—

Retirement
on account
of total and
permanent
disability.

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of further earning his livelihood; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime.

Amount of allowance.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27. R.S.O. 1937, c. 366, s. 6 (4); 1940, c. 32, s. 2 (4), *amended*.

Retirement on account of permanent disability as teacher or inspector.

31.—(1) Every teacher and every inspector who,—

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime.

Amount of allowance.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 27 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the teacher or inspector, provided that no such allowance shall be less than \$240 per annum with an additional \$10 for each year by which the age of the applicant exceeds sixty years at the time the applicant ceased to be employed. R.S.O. 1937, c. 366, s. 6 (5); 1940, c. 32, s. 2 (5), *amended*.

Applicant with impairment.

32.—(1) Where the medical examination prescribed for admission to the Ontario College of Education, the Ontario Training College for Technical Teachers or a normal school discloses in any applicant a mental or physical impairment, defect or condition which in the opinion of the examiner would not render such applicant unfit as a teacher or inspector but might subsequently render him incapable of being employed

as a teacher or inspector, such applicant shall be admitted to the college or school only after he signs a consent, in the form prescribed by the regulations, to have the provisions of this section apply to him in the event of his becoming a teacher or inspector.

(2) Every teacher and every inspector who has signed a **Allowance**, consent under subsection 1, who,—

- (a) has been employed for not less than fifteen school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which, in the opinion of the Commission, renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 43, be entitled to an annual allowance during his lifetime. 1940, c. 32, s. 3, *part, amended*.

(3) The amount of such allowance shall be,—

Amount of allowance.

- (a) in the case of a teacher or inspector who has been employed for less than thirty school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* ^{R.S.C., c. 7.} (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and
- (b) in the case of a teacher or inspector who has been employed for not less than thirty school years,
 - (i) the amount which he would be entitled to receive under section 27, 28 or 29, or
 - (ii) the amount as computed in the manner prescribed by clause a,

whichever is the larger. *New.*

33.—(1) A teacher or inspector may by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed direct that the annual allowance to which he would be entitled shall be ^{Annuity in lieu of allowance.}

converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate,—

- (a) in the case of a married teacher or inspector, to his surviving spouse; and
- (b) in the case of any other teacher or inspector, to any dependent named in any such direction. 1945 (2nd Session), c. 8, s. 31.

Where direction not given.

(2) A teacher or inspector who has not given a direction within the time prescribed in subsection 1, may at a later date, but not after making application for an annual allowance, give such a direction upon passing a medical examination satisfactory to the Commission. R.S.O. 1937, c. 366, s. 7 (3), *amended*.

Revocation of direction.

(3) A teacher or inspector who has given a direction under this section may, at any time before he ceases to be employed, revoke such direction.

Where direction not effective.

(4) Where a teacher or inspector who has given a direction under this section dies,—

- (a) before he makes application for the annual allowance to which he would be entitled; or
- (b) before he ceases to be employed as a teacher or inspector,

the direction shall have no effect. *New*.

PAYMENT OF ANNUAL ALLOWANCES.

Applications for allowances.

34. An annual allowance shall be made only upon an application therefor, in the prescribed form, being made to the Commission. *New*.

Proof of disability.

35. No application for an annual allowance under section 30, 31 or 32 shall be considered by the Commission until the Commission has obtained,—

- (a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and
- (b) the report of an official medical referee appointed by the Commission containing such recommendations as he may deem proper with regard to the granting of an annual allowance to the applicant. *New*.

36. A teacher or inspector shall not at any one time be entitled to receive more than one annual allowance under this Act. *New.* Only one allowance to be received.

37. Every annual allowance to a teacher or inspector shall be payable in monthly instalments and shall be apportionable to the date of death. R.S.O. 1937, c. 366, s. 6 (3), *amended.* Allowance to be paid monthly and to be apportionable.

38. Every annual allowance shall commence as of the first day of the month next following the month during which the teacher or inspector ceased to be employed, provided that an annual allowance under section 30, 31 or 32 shall not commence as of a date earlier than one year prior to the date upon which the completed application therefor reaches the Commission. *New.* Commencement of allowance.

39.—(1) Where a teacher or inspector who is receiving an annual allowance under section 27, 28 or 29 becomes employed upon either a temporary or a permanent basis he shall forthwith give notice thereof to the Commission in writing and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. Re-employment, notice of where service allowance;

(2) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in any school or institution either within or outside of Ontario upon either a temporary or a permanent basis he shall forthwith give notice thereof to the Commission in writing and in default of so doing shall forfeit any further claim to any benefit under the Act unless the Commission otherwise directs. R.S.O. 1937, c. 366, s. 14, *amended.* disability allowance.

40.—(1) Where a teacher or inspector who is receiving an annual allowance under section 27, 28 or 29 becomes employed,— Re-employment, effect of where service allowance;

(a) the annual allowance shall cease to be paid; and

(b) he shall contribute to the fund during the period that he is employed.

(2) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes employed,— disability allowance.

(a) the annual allowance shall cease to be paid;

(b) he shall contribute to the fund during the period that he is employed; and

(c) he shall repay to the fund the amount of the annual allowance received by him, with accumulated interest.

Idem.

(3) Where a teacher or inspector who is receiving an annual allowance under section 30, 31 or 32 becomes engaged as a teacher or inspector in any school or institution either within or outside of Ontario but is not employed within the meaning of clause *d* of section 1,—

(a) the annual allowance shall cease to be paid; and

(b) he shall repay to the fund the amount of the annual allowance received by him, with accumulated interest.
New.

Resump-
tion of
service
allowance.

41. Where a teacher or inspector receiving an annual allowance under section 27, 28 or 29, having become employed, again ceases to be employed,—

(a) in the case of a teacher or inspector who has been so employed for a period of less than two school years, payment of the annual allowance shall be resumed without any adjustment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;

(b) in the case of a teacher or inspector who has been so employed for a period of not less than two school years an application for an annual allowance shall be treated as an application for a new annual allowance; and

(c) in no case shall he be entitled to receive an annual allowance under section 30, 31 or 32. 1945 (2nd Sess.), c. 8, s. 30 (1), *part, amended.*

Recipient
of disability
allowance
becoming
employed.

42. Where a teacher or inspector receiving an annual allowance under section 30, 31 or 32 becomes employed or becomes engaged as a teacher or inspector in any school or institution either within or outside of Ontario,—

(a) any application subsequently made for an annual allowance shall be treated as an application for a new annual allowance; and

(b) any annual allowance or refund of contributions which he may subsequently become entitled to receive shall be reduced actuarially by any amount which he has failed to repay to the fund in accordance with the provisions of section 40. *New.*

Evidence of
mental or
physical
condition.

43.—(1) The Commission may at any time require a teacher or inspector who,—

- (a) is receiving an annual allowance under section 30 or 31; or
- (b) having been employed for less than thirty years, is receiving an annual allowance under section 32,

to furnish evidence, in such form as it may direct, of his mental or physical condition.

(2) Where the teacher or inspector fails to furnish evidence that his mental or physical condition continues to be of a nature which would entitle him to receive an annual allowance under the section pursuant to which his annual allowance is paid, the Commission may direct that the annual allowance shall cease to be paid and that no further annual allowance shall be paid to him or that such other annual allowance as the Commission finds him to be entitled to shall be paid to him.

(3) Where a teacher or inspector whose annual allowance has ceased to be paid in accordance with the provisions of subsection 2 does not again become employed he shall be entitled to receive out of the fund an amount equal to the amounts contributed by him to the fund with interest at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 6 (7), *amended*.

44. Where the Commission is satisfied that any person to whom an allowance or any other amount is payable under this Act is incapable of managing his own affairs, the Commission may direct that any cheque for moneys payable to such person shall be made payable to his wife or child or to some other member of his family or household or to the committee of his estate and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. R.S.O. 1937, c. 366, s. 12 (2), *amended*.

45. Moneys payable to a teacher or an inspector under this Act shall not be subject to his debts, or be attached or taken in execution, and no assignment of any moneys payable or to become payable to a teacher or inspector under this Act shall be valid or binding, but every amount so payable shall be payable directly to the teacher or inspector or to his personal representative. R.S.O. 1937, c. 366, s. 12 (1), *amended*.

46. Any allowance which at the date of the coming into force of this Act is being paid under or in accordance with

clause *f* of subsection 1 of section 6 or section 15 or 18 of *The Teachers' and Inspectors' Superannuation Act*, being chapter 366 of the Revised Statutes of Ontario, 1937, shall continue to be paid and for the purposes thereof such sections shall be deemed to continue in force. *New.*

Change in
manner of
computing
annual
allowance.

47. Where any change in the manner of computing annual allowances is effected by an amendment to this Act, such amendment shall,—

(a) come into force on the 1st day of July following the making of such amendment;

(b) affect only annual allowances which commence on or after the date of the coming into force thereof,

unless it is specifically otherwise provided in the amending Act. *New.*

REFUNDS OF CONTRIBUTIONS.

Application
for refund.

48. A refund of an amount equal to the contributions of a teacher or inspector shall be made only upon an application therefor, in the prescribed form, being made to the Commission. *New.*

Right to
refund.

49.—(1) A teacher or inspector who has been employed for at least five school years and ceases to be employed by withdrawing from the profession shall be entitled to receive an amount equal to the whole of his contributions to the fund together with interest thereon at the rate of one and one-half per centum per annum compounded half-yearly from the date of the cessation of employment to the date of the refund. R.S.O. 1937, c. 366, s. 8 (1), *amended.*

Forced
retirement.

(2) A teacher or inspector who has been employed for at least fifteen school years and ceases to be employed by reason of a by-law or resolution of the board or other authority employing him before he becomes entitled to an annual allowance under this Act, shall be entitled to receive a sum equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly. *New.*

When
employment
deemed
to end.

(3) For the purposes of this section the date upon which a teacher or inspector shall be deemed to cease to be employed shall be the last day for which he was paid in the last school year during which he was employed for not fewer than twenty days. *New.*

Time of
payment.

(4) No payment shall be made under subsection 1 until

three months after the date upon which the teacher or inspector ceased to be employed. *New.*

(5) Where a teacher or inspector has withdrawn his contributions from the fund and subsequently becomes employed for not fewer than twenty school days, he shall repay to the fund the amount withdrawn therefrom with interest from the date of withdrawal and where he does not make such repayment, any annual allowance or other payment out of the fund which he may subsequently become entitled to receive shall be reduced actuarially by the amount withdrawn and not repaid together with accumulated interest. R.S.O. 1937, c. 366, s. 8 (2), *amended*. Repayment on resuming teaching.

50.—(1) Where a teacher or inspector ceases to be employed before he has been employed for a period of five school years, the amount of his contributions shall remain in the fund and, unless he again becomes employed, he shall have no claim thereto. Where employed under five years.

(2) Where a teacher or inspector who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, there shall be paid to his personal representative an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. *New.* Event of death.

51. Where a teacher or inspector who is in receipt of an annual allowance under section 27, 28 or 29 becomes employed no refund of an amount equal to his contributions made after his return to employment shall be made except upon his death. *New.* Return to employment.

52. Notwithstanding the provisions of sections 50 and 51, a teacher or inspector who has been employed for fewer than twenty days in any school year shall be entitled to receive an amount equal to the whole of his contributions to the fund for that school year, without interest. *New.* Where employed under twenty days.

53.—(1) Where a teacher or inspector who is not in receipt of an annual allowance dies, his personal representative shall be entitled to receive an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 6 (8); 1940, c. 32, s. 2 (6), *amended*. Death before receiving allowance.

(2) Where a teacher or inspector dies after becoming entitled to an allowance, his personal representative shall be Death after becoming entitled to annual allowance.

entitled to receive out of the fund an amount equal to the amounts contributed by the teacher or inspector to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the teacher or inspector with interest to the date of death at the rate of three per centum per annum compounded half-yearly. R.S.O. 1937, c. 366, s. 9, *amended*.

REGULATIONS.

Regulations. **54.** Subject to the approval of the Lieutenant-Governor in Council the Minister may make regulations,—

- (a) prescribing the powers and duties of the chairman and the secretary;
- (b) prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
- (c) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (d) prescribing the form of application for an annual allowance and for a refund of contributions and the information and material to be furnished therewith, including the form thereof, and prescribing other information and material which shall be taken into consideration by the Commission in considering applications for allowances;
- (e) prescribing the procedure to be followed by the Commission in considering and disposing of applications for annual allowances and for refunds of contributions;
- (f) requiring teachers and inspectors who are contributors to or in receipt of allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (g) authorizing the Commission to require teachers and inspectors who are contributors to or in receipt of allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (h) prescribing the system of reductions which shall be applied in computing the pensions provided for in sections 29 and 31;

- (i) prescribing the manner of calculating the rates and amounts of annuities payable under section 33;
- (j) governing teachers and inspectors who cease to be employed because of ill health or for the purpose of taking any course of study designated by the regulations or approved by the Commission and prescribing the amount of, the time within which and the conditions upon which contributions shall be made by any such teacher or inspector and the credit to which he shall be entitled in respect of the period during which he is not employed;
- (k) prescribing the conditions under which credit may be given under the Act for services performed as a teacher or inspector in another province of Canada or in any other part of the British Commonwealth of Nations where such teacher or inspector is subsequently employed in Ontario and prescribing the amount of such credit;
- (l) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a teacher or inspector formerly employed in Ontario who has become a teacher or inspector in such other province or part of the British Commonwealth of Nations;
- (m) prescribing special provisions governing the conditions under which teachers and inspectors in receipt of annual allowances may become employed during any period which is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the annual allowances paid to them;
- (n) prescribing special provisions applicable to teachers and inspectors in respect of active service in His Majesty's forces or special war service or time spent receiving medical or surgical treatment for a disability sustained while on active service or special war service, including,
 - (i) the defining of active service and special war service,
 - (ii) the contributions required or permitted to be made in respect of such periods by or on behalf of such teachers and the time and manner of making such contributions,

- (iii) the credit to be given for periods spent in such service or while receiving such treatment, and
- (iv) generally such provisions as may be necessary to extend to such teachers and inspectors the benefits available under this Act in respect of such periods;
- (o) respecting teachers and inspectors employed in schools whose board or teachers, or both, are reported by the Minister of Education to the Commission as having failed to comply with the provisions of any Acts or regulations administered by the Department including,
 - (i) the terms and conditions upon which contributions shall be made to the fund, and
 - (ii) the credit to be given to such teachers and inspectors in respect of the period of non-compliance;
- (p) designating schools in respect of which the provisions of section 18 shall apply;
- (q) prescribing forms for use under the Act and regulations; and
- (r) generally for the better carrying out of the provisions of this Act. R.S.O. 1937, c. 366, s. 17; 1943, c. 26, s. 19; 1945 (2nd Sess.), c. 8, s. 32, *amended*.

GENERAL.

Reference
to existing
allowances.

55. All references to annual allowances made under specified sections of this Act shall, unless the context otherwise requires, be deemed to include every similar annual allowance made under a corresponding provision of any Act which has been superseded by this Act. *New.*

Contributor
at time of
coming into
force of Act.

56. A teacher or inspector who is a contributor to the fund at the time of the coming into force of this Act may, notwithstanding any of the provisions of this Act, continue to make contributions to the fund and shall accordingly be entitled to the benefits provided by this Act for contributors to the fund. *New.*

Rev. Stat.,
c. 366, s. 6,
subs. 1
(1945,
2nd Sess.,
c. 8, s. 30,
subs. 1),
amended.

57.—(1) Subsection 1 of section 6 of *The Teachers' and Inspectors' Superannuation Act* as re-enacted by subsection 1 of section 30 of *The School Law Amendment Act, 1945*, is amended by adding thereto the following clause:

- (h) Notwithstanding anything contained in any of the preceding clauses the amount of such annual payment as above computed shall not exceed three-fifths of the average salary of the teacher or inspector as computed according to this subsection.

(2) This section shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 30th day of June, 1945, and to have effect until the 1st day of July, 1946.

58. *The Teachers' and Inspectors' Superannuation Act, 1938, The Teachers' and Inspectors' Superannuation Amendment Act, 1940, sections 19 and 20 of The School Law Amendment Act, 1941, section 38 of The Statute Law Amendment Act, 1942, sections 16, 17, 18 and 19 of The School Law Amendment Act, 1943, sections 20 and 21 of The School Law Amendment Act, 1944, and sections 29, 30, 31 and 32 of The School Law Amendment Act, 1945, are repealed.*

Rev. Stat., c. 366;
1938, c. 35,
s. 36; 1940,
c. 32; 1941,
c. 52, ss. 19,
20; 1942, c.
34, s. 38;
1943, c. 26,
ss. 16-19;
1944, c. 56,
ss. 20, 21;
1945 (2nd
Sess.), c. 8,
ss. 29-32,
repealed.

59. This Act, other than section 57, shall come into force on the 1st day of July, 1946.

Commence-
ment of Act.

60. This Act may be cited as *The Teachers' and Inspectors' Superannuation Act, 1946.*

Short title.

The Teachers' and Inspectors'
Superannuation Act, 1946.

1st Reading

March 11th, 1946

2nd Reading

March 20th, 1946

3rd Reading

March 26th, 1946

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Apprenticeship Act.

MR. DALEY

EXPLANATORY NOTES

SECTION 1—Subsection 1. Section 7 of the Act refers to a period of employment permitted without entering into a contract of apprenticeship, and it is desirable for the purposes of clarification and conciseness to have this period defined.

Subsection 2. Under the Act, regulations may be made by the Board, and by the Provincial advisory committee. All regulations are to be approved by the Lieutenant-Governor in Council. This amendment is to bring the definition into line with the Act.

SECTION 2. Section 7 contained an absolute prohibition against persons eligible to be apprentices being employed for more than three months except under a contract of apprenticeship. The amendment gives an opportunity to another employer to try out a man who has served three months elsewhere for a period of one month before requiring the contract. Otherwise a person who had not suited one employer would have little hope of completing training as it would be difficult to find an employer who would enter a contract without some probationary period. Control is retained by requiring the authorization of the Director.

SECTION 3. The subsection formerly read as follows:

Every contract of apprenticeship shall be in the form prescribed by the Board and shall be approved by the Board and shall be registered with the Board.

The form of contract of apprenticeship is already provided for by new clause *b* of subsection 1 of section 15 of the Act, so that the words struck out are unnecessary.

BILL

An Act to amend The Apprenticeship Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Apprenticeship Act* is amended by adding thereto the following clause: Rev. Stat., c. 192, s. 1, amended.

(ff) "Probationary period" shall mean the time during which a person eligible to be an apprentice in a designated trade is by section 7 permitted to be employed in the trade other than under a contract of apprenticeship. "Probationary period".

(2) Clause g of the said section 1 is amended by striking out the words "by the Lieutenant-Governor in Council" in the first and second line, so that the said clause shall now read as follows: Rev. Stat., c. 192, s. 1, cl. (g), amended.

(g) "Regulations" shall mean regulations made under the authority of this Act. "Regulations".

2. Section 7 of *The Apprenticeship Act* is repealed and the following substituted therefor: Rev. Stat., c. 192, s. 7, re-enacted.

7. No person who is eligible to be an apprentice in any designated trade and has not completed the period of apprenticeship prescribed for him shall be employed in such trade for a period or periods totalling more than three months except under a contract of apprenticeship, provided that the Director may in writing authorize the further employment of any such person for a period not exceeding one month by any employer by whom he has not been previously employed. Apprentices to be under contract.

3. Subsection 1 of section 8 of *The Apprenticeship Act* is amended by striking out the words "shall be in the form prescribed by the Board and" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat., c. 192, s. 8, subs. 1, amended.

Approval
and regis-
tration of
contracts.

- (1) Every contract of apprenticeship shall be approved by the Board and shall be registered with the Board.

Rev. Stat.,
c. 192, s. 15,
subs. 1,
re-enacted.

4.—(1) Subsection 1 of section 15 of *The Apprenticeship Act* as amended by section 4 of *The Statute Law Amendment Act, 1943*, and section 2 of *The Apprenticeship Amendment Act, 1944*, is repealed and the following substituted therefor:

Regulations.

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended and the course of training to be given;
- (b) prescribing the form of contract of apprenticeship, assignment of contract, notice of transfer and such other forms as may be required;
- (c) providing for the registration of contracts of apprenticeship, assignments of contracts and notices of transfer of contracts;
- (d) prescribing the hours of labour and rates of wages for apprentices;
- (e) providing for the issuance of certificates of apprenticeship to every apprentice who serves the prescribed term of apprenticeship and completes the school training to the satisfaction of the Board, and for the issuance of duplicate certificates of apprenticeship;
- (f) providing for examinations for certificates of qualification, for the issuance, annually or otherwise, of certificates of qualification, for their cancellation, suspension and renewal, and for the issuance of duplicate certificates;
- (g) requiring all persons engaged in any designated trade, other than registered apprentices and persons employed during a probationary period, to hold a current certificate of qualification, and prohibiting the employment in any designated trade of persons who have not complied with this requirement;
- (h) providing for the issuance without examination of certificates of qualification, upon payment of the prescribed fee, to holders of certificates of apprenticeship;

SECTION 4—Subsection 1—Clause (a). Former clause *a* unchanged.

Clause (b). Former clause *d* unchanged.

Clause (c). Former clause *e* unchanged.

Clause (d). Former clause *c* unchanged.

Clause (e). Former Clause *n* unchanged.

Clause (f). Former clause *b* amended to provide for examinations thereby rendering former clause *f* unnecessary. The question of fees for the certificates is now covered by clause *l*.

Clause (g). First five lines of former clause *bb* amended to exempt persons employed during a probationary period. The balance of former clause *bb* is inserted as subsection 3 of section 15 by subsection 2 of this section.

Clause (h). This is a new power to make regulations. The clause is self-explanatory as to purpose. Persons who have carried out the requirements to obtain certificates of apprenticeship should not be required to undergo further examination to obtain certificates of qualification.

Clause (*i*). This clause is new and the purpose is to provide authority in the Board to set out conditions precedent to the issue of certificates of qualification.

Clause (*j*). This is the former clause *h* which has been enlarged to include registration for persons running a one-man shop and others who are self-employed. This addition is essential to make the Act effective.

Clause (*k*). This is a new clause required to provide authority in the Board to prescribe forms necessary to the efficient administration of the Act.

Clause (*l*). This clause consolidates the provisions for fees set out in former clauses *g*, *i* and *o*, and provides as well for fees for renewal of certificates, and duplicate certificates.

Clause (*m*). This is the former clause *i* less the fees clause which is now part of clause *l*.

Clause (*n*). It is desirable for the carrying out of the Act that such a provision should exist.

Clause (*o*). This is the former clause *o* less the fees clause which is now part of clause *l*. The word "certificates" in the last line has been amended to read "licenses". The word "certificates" was obviously incorrect.

- (i) prescribing the terms and conditions upon which certificates of qualification may be issued to persons engaged in a designated trade;
- (j) providing for the registration of employers and self-employed persons engaged in a designated trade;
- (k) prescribing the form of certificates of qualification, applications for certificates of qualification and renewals thereof, registration of employers and self-employed persons engaged in a designated trade, and such other forms as may be required;
- (l) prescribing and requiring the payment of a fee for,
 - (i) examination for certificates of qualification;
 - (ii) the issuance of certificates of qualification and renewals thereof;
 - (iii) duplicate certificates of qualification;
 - (iv) duplicate certificates of apprenticeship;
 - (v) registration of employers and self-employed persons; and
 - (vi) licenses for trade-schools;
- (m) prescribing the purposes for which the moneys collected in registration fees may be used;
- (n) requiring the holder of a certificate of qualification to keep it posted conspicuously in the shop where he is engaged in a designated trade, or, where not possible, to carry it upon his person;
- (o) prescribing the terms and conditions upon which a license may be issued to a trade-school and generally prescribing the method of training to be followed in the schools and the manner in which the schools are to be operated, and for the cancellation, suspension and renewal of such licenses;

- (p) fixing the rate of assessment of employers and employees in each designated trade and governing the manner of making the assessment;
- (q) prescribing the constitution, powers and duties of provincial advisory committees and local apprenticeship committees and the qualifications of the members thereof;
- (r) providing for the calling of meetings of such committees and the procedure to be followed at such meetings;
- (s) providing for the books, records and forms to be used and the returns to be made by such committees;
- (t) prescribing the classes of persons in any designated trade, to whom this Act and the regulations shall apply; and
- (u) generally for the better carrying out of the provisions of this Act.

Rev. Stat.,
c. 192, s. 15,
amended.

(2) The said section 15 as amended by section 4 of *The Statute Law Amendment Act, 1943*, and section 2 of *The Apprenticeship Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Exemption.

- (3) A regulation passed under clause g of subsection 1 shall not apply to a person who within two years of the coming into force of the regulation satisfies the provincial advisory committee that at the date of the coming into force of such regulation he had been engaged in the trade for a period equal to the apprenticeship period.

Rev. Stat.,
c. 192,
amended.

5. *The Apprenticeship Act* is amended by adding thereto the following section:

Members of
the forces.

- 23. Where a member has served as a member of any of the forces of His Majesty or any ally thereof, and is undertaking a course of training under a plan of rehabilitation approved by the Board, the Board may exempt such person from the operation of such provisions of this Act and the regulations as may be deemed necessary.

Short title.

6. This Act may be cited as *The Apprenticeship Amendment Act, 1946*.

Clause (*p*). Former clause *j* unchanged.

Clause (*q*). Former clause *k* unchanged.

Clause (*r*). Former clause *l* unchanged.

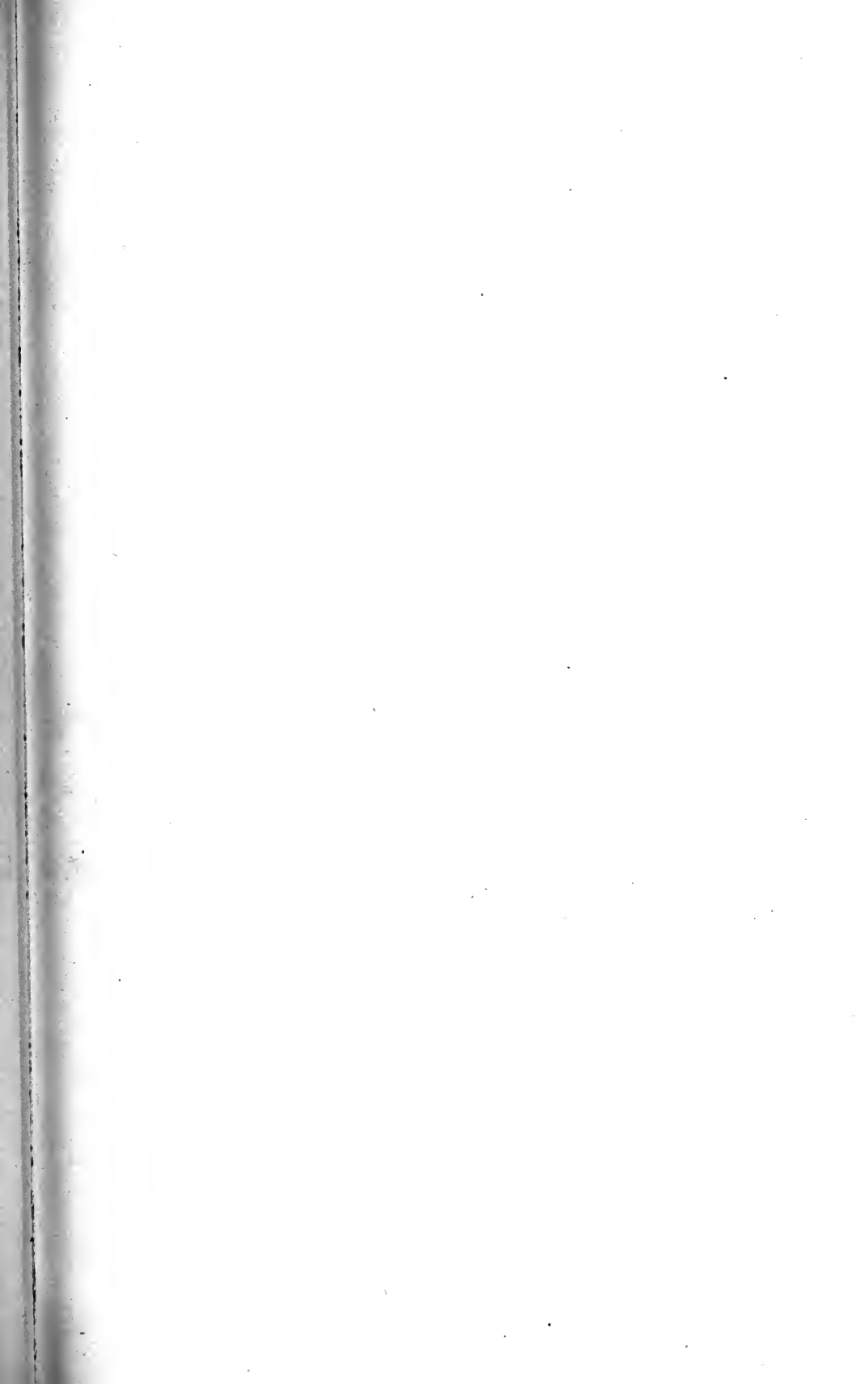
Clause (*s*). Former clause *m* unchanged.

Clause (*t*). This clause is new. It is essential to the effectiveness of the Act that power be given to prescribe the persons considered to be engaged in a particular designated trade within the meaning of the Act.

Clause (*u*). Former clause *p* unchanged.

SECTION 4—Subsection 2. This subsection is the latter part of the former clause *bb* of subsection 1 of section 15. It has been changed to subsection 3 of section 15 because in its former position it did not fit in contextually with the balance of the subsection.

SECTION 5. Certain provisions of the Act would preclude a member of the forces from any possibility of entering one of the designated trades. For example a person who has been discharged from the forces after the age of twenty-one years could not become a motor vehicle repairer although he might have had an intensive course of training and experience in that field in the forces, or might have completed one of the government's rehabilitation courses after discharge. This section is inserted to provide for such cases.



An Act to amend The Apprenticeship Act.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Apprenticeship Act.

MR. DALEY

BILL

An Act to amend The Apprenticeship Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of *The Apprenticeship Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 192, s. 1,
amended.

(ff) "Probationary period" shall mean the time during which a person eligible to be an apprentice in a designated trade is by section 7 permitted to be employed in the trade other than under a contract of apprenticeship.

(2) Clause g of the said section 1 is amended by striking out the words "by the Lieutenant-Governor in Council" in the first and second line, so that the said clause shall now read as follows: Rev. Stat.,
c. 192, s. 1,
cl. (g),
amended.

(g) "Regulations" shall mean regulations made under the authority of this Act. "Regulations".

2. Section 7 of *The Apprenticeship Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 192, s. 7,
re-enacted.

7. No person who is eligible to be an apprentice in any designated trade and has not completed the period of apprenticeship prescribed for him shall be employed in such trade for a period or periods totalling more than three months except under a contract of apprenticeship, provided that the Director may in writing authorize the further employment of any such person for a period not exceeding one month by any employer by whom he has not been previously employed. Apprentices
to be under
contract.

3. Subsection 1 of section 8 of *The Apprenticeship Act* is amended by striking out the words "shall be in the form prescribed by the Board and" in the first and second lines, so that the said subsection shall now read as follows: Rev. Stat.,
c. 192, s. 8,
subs. 1,
amended.

Approval
and regis-
tration of
contracts.

- (1) Every contract of apprenticeship shall be approved by the Board and shall be registered with the Board.

Rev. Stat.,
c. 192, s. 15,
subs. 1,
re-enacted.

4.—(1) Subsection 1 of section 15 of *The Apprenticeship Act* as amended by section 4 of *The Statute Law Amendment Act, 1943*, and section 2 of *The Apprenticeship Amendment Act, 1944*, is repealed and the following substituted therefor:

Regulations.

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Board may make regulations,—

- (a) prescribing the qualifications of persons who may become apprentices in any designated trade, the nature and number of educational classes to be attended and the course of training to be given;
- (b) prescribing the form of contract of apprenticeship, assignment of contract, notice of transfer and such other forms as may be required;
- (c) providing for the registration of contracts of apprenticeship, assignments of contracts and notices of transfer of contracts;
- (d) prescribing the hours of labour and rates of wages for apprentices;
- (e) providing for the issuance of certificates of apprenticeship to every apprentice who serves the prescribed term of apprenticeship and completes the school training to the satisfaction of the Board, and for the issuance of duplicate certificates of apprenticeship;
- (f) providing for examinations for certificates of qualification, for the issuance, annually or otherwise, of certificates of qualification, for their cancellation, suspension and renewal, and for the issuance of duplicate certificates;
- (g) requiring all persons engaged in any designated trade, other than registered apprentices and persons employed during a probationary period, to hold a current certificate of qualification, and prohibiting the employment in any designated trade of persons who have not complied with this requirement;
- (h) providing for the issuance without examination of certificates of qualification, upon payment of the prescribed fee, to holders of certificates of apprenticeship;

- (i) prescribing the terms and conditions upon which certificates of qualification may be issued to persons engaged in a designated trade;
- (j) providing for the registration of employers and self-employed persons engaged in a designated trade;
- (k) prescribing the form of certificates of qualification, applications for certificates of qualification and renewals thereof, registration of employers and self-employed persons engaged in a designated trade, and such other forms as may be required;
- (l) prescribing and requiring the payment of a fee for,
 - (i) examination for certificates of qualification,
 - (ii) the issuance of certificates of qualification and renewals thereof,
 - (iii) duplicate certificates of qualification,
 - (iv) duplicate certificates of apprenticeship,
 - (v) registration of employers and self-employed persons, and
 - (vi) licenses for trade-schools;
- (m) prescribing the purposes for which the moneys collected in registration fees may be used;
- (n) requiring the holder of a certificate of qualification to keep it posted conspicuously in the shop where he is engaged in a designated trade, or, where not possible, to carry it upon his person;
- (o) prescribing the terms and conditions upon which a license may be issued to a trade-school and generally prescribing the method of training to be followed in the schools and the manner in which the schools are to be operated, and for the cancellation, suspension and renewal of such licenses;

- (p) fixing the rate of assessment of employers and employees in each designated trade and governing the manner of making the assessment;
- (q) prescribing the constitution, powers and duties of provincial advisory committees and local apprenticeship committees and the qualifications of the members thereof;
- (r) providing for the calling of meetings of such committees and the procedure to be followed at such meetings;
- (s) providing for the books, records and forms to be used and the returns to be made by such committees;
- (t) prescribing the classes of persons in any designated trade, to whom this Act and the regulations shall apply; and
- (u) generally for the better carrying out of the provisions of this Act.

Rev. Stat.,
c. 192, s. 15,
amended.

(2) The said section 15 as amended by section 4 of *The Statute Law Amendment Act, 1943*, and section 2 of *The Apprenticeship Amendment Act, 1944*, is further amended by adding thereto the following subsection:

Exemption.

- (3) A regulation passed under clause g of subsection 1 shall not apply to a person who within two years of the coming into force of the regulation satisfies the provincial advisory committee that at the date of the coming into force of such regulation he had been engaged in the trade for a period equal to the apprenticeship period.

Rev. Stat.,
c. 192,
amended.

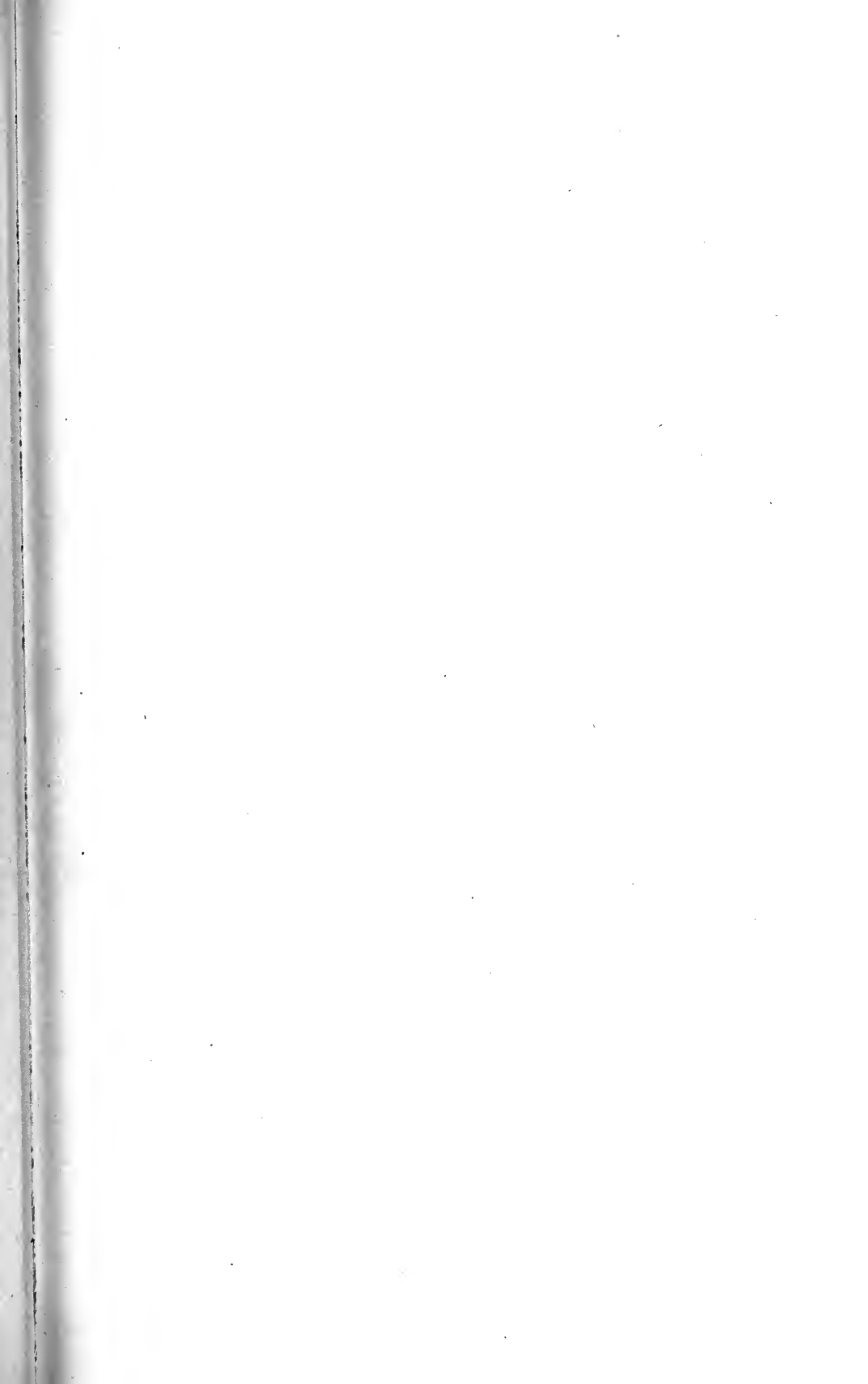
5. *The Apprenticeship Act* is amended by adding thereto the following section:

Members of
the forces.

- 23. Where a member has served as a member of any of the forces of His Majesty or any ally thereof, and is undertaking a course of training under a plan of rehabilitation approved by the Board, the Board may exempt such person from the operation of such provisions of this Act and the regulations as may be deemed necessary.

Short title.

6. This Act may be cited as *The Apprenticeship Amendment Act, 1946*.



BILL

An Act to amend The Apprenticeship Act.

1st Reading

March 11th, 1946

2nd Reading

March 20th, 1946

3rd Reading

March 26th, 1946

MR. DALEY

No. 73

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Schools Act.

MR. GRUMMETT

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. In rural public school sections any vote for trustees or upon a question in an open vote. The amendments provide for a secret ballot.

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 2 and 3 of section 69 of *The Public Schools Act* are repealed and the following substituted therefor: Rev. Stat., c. 357, s. 69, subss. 2, 3, re-enacted.

(2) Where a poll is granted the secretary shall enter in Entry in poll book. a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper.

(3) Ballot papers shall be pieces of plain white paper of Form of ballot paper. uniform size.

(3a) A voter shall mark his ballot,

Marking of ballot paper.

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

(3b) Each voter shall mark his ballot paper in a compartment or other place provided for such purpose which is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container which has been placed and is kept upon a table for such purpose. Manner of voting.

Appoint-
ment of
scrutineer.

- (3c) Every candidate may appoint a person to act as his scrutineer during the election.

.

Statement
of result
of poll.

- (9a) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered or mailed to each candidate.

Rev. Stat.,
c. 357, s. 69,
subs. 10,
re-enacted.

- (2) Subsection 10 of the said section 69 is repealed and the following substituted therefor:

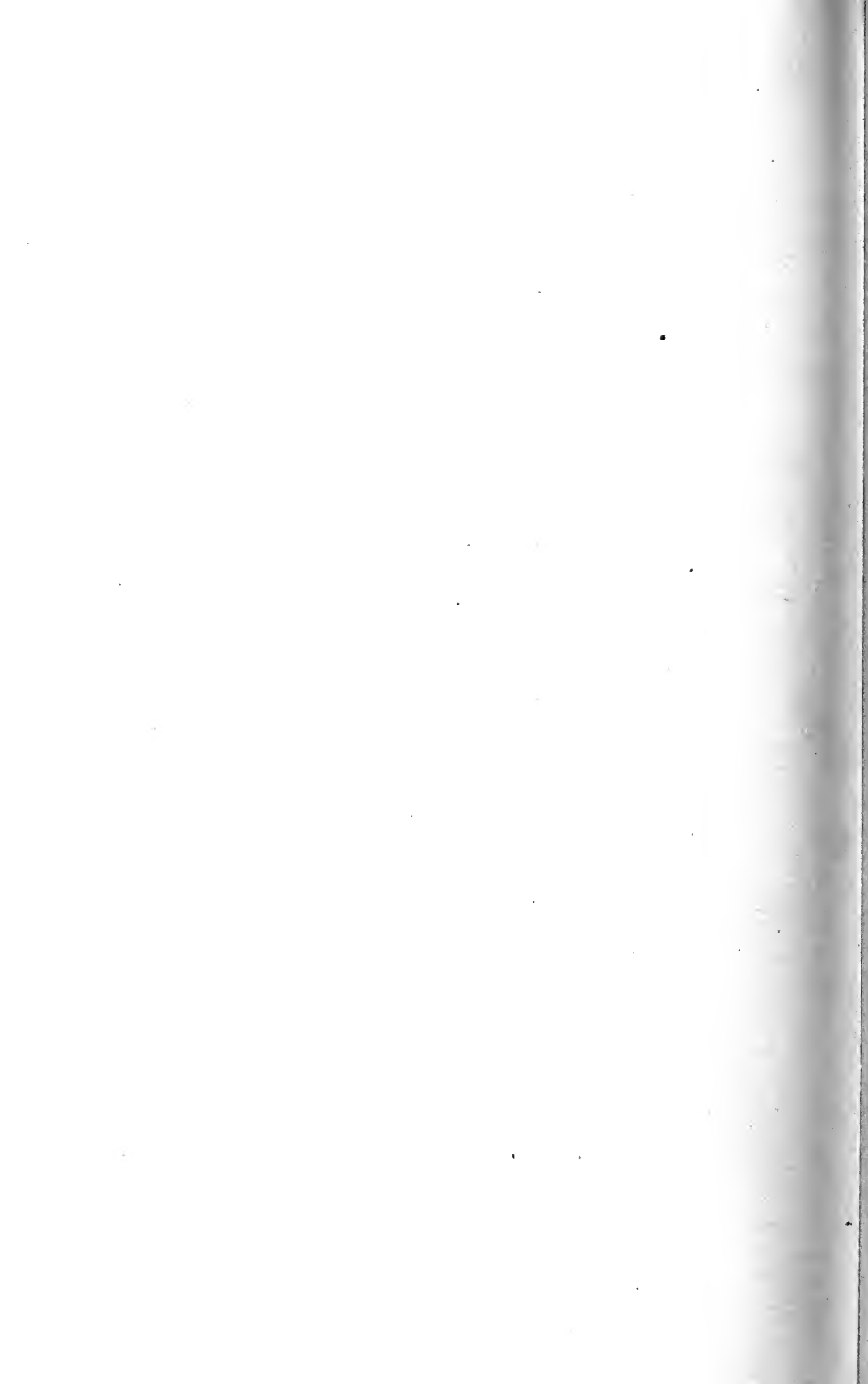
Acceptance
of office
of trustee.

- (10) Every person upon receiving notice that he has been elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election.

Short title.

- 2.** This Act may be cited as *The Public Schools Amendment Act, 1946*.

Subsection 2. The proposed subsection 9a, enacted by subsection 1, provides that notice of the result of the election be sent to the candidate. Accordingly the notice provision in the present subsection 10 of section 69 is no longer required and the subsection is therefore re-enacted to bring it into conformity with the proposed subsection 9a.



BILL

An Act to amend The Public Schools Act.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. GRUMMETT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Schools Act.

MR. GRUMMETT

BILL

An Act to amend The Public Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsections 2 and 3 of section 69 of *The Public Schools Act* are repealed and the following substituted therefor: Rev. Stat., c. 357, s. 69, subss. 2, 3, re-enacted.

(2) Where a poll is granted the secretary shall enter in a poll book the name and residence of each elector offering to vote within the time prescribed and shall furnish him, at the time of voting, with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entry in poll book.

(3) Ballot papers shall be pieces of plain white paper of uniform size. Form of ballot paper.

(3a) A voter shall mark his ballot, Marking of ballot paper.

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

(3b) Each voter shall mark his ballot paper in a compartment or other place provided for such purpose which is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container which has been placed and is kept upon a table for such purpose. Manner of voting.

Appoint-
ment of
scrutineer.

- (3c) Every candidate may appoint a person to act as his scrutineer during the election.

* * * * *

Statement
of result
of poll.

- (9a) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered or mailed to each candidate.

Rev. Stat.,
c. 357, s. 69,
subs. 10,
re-enacted.

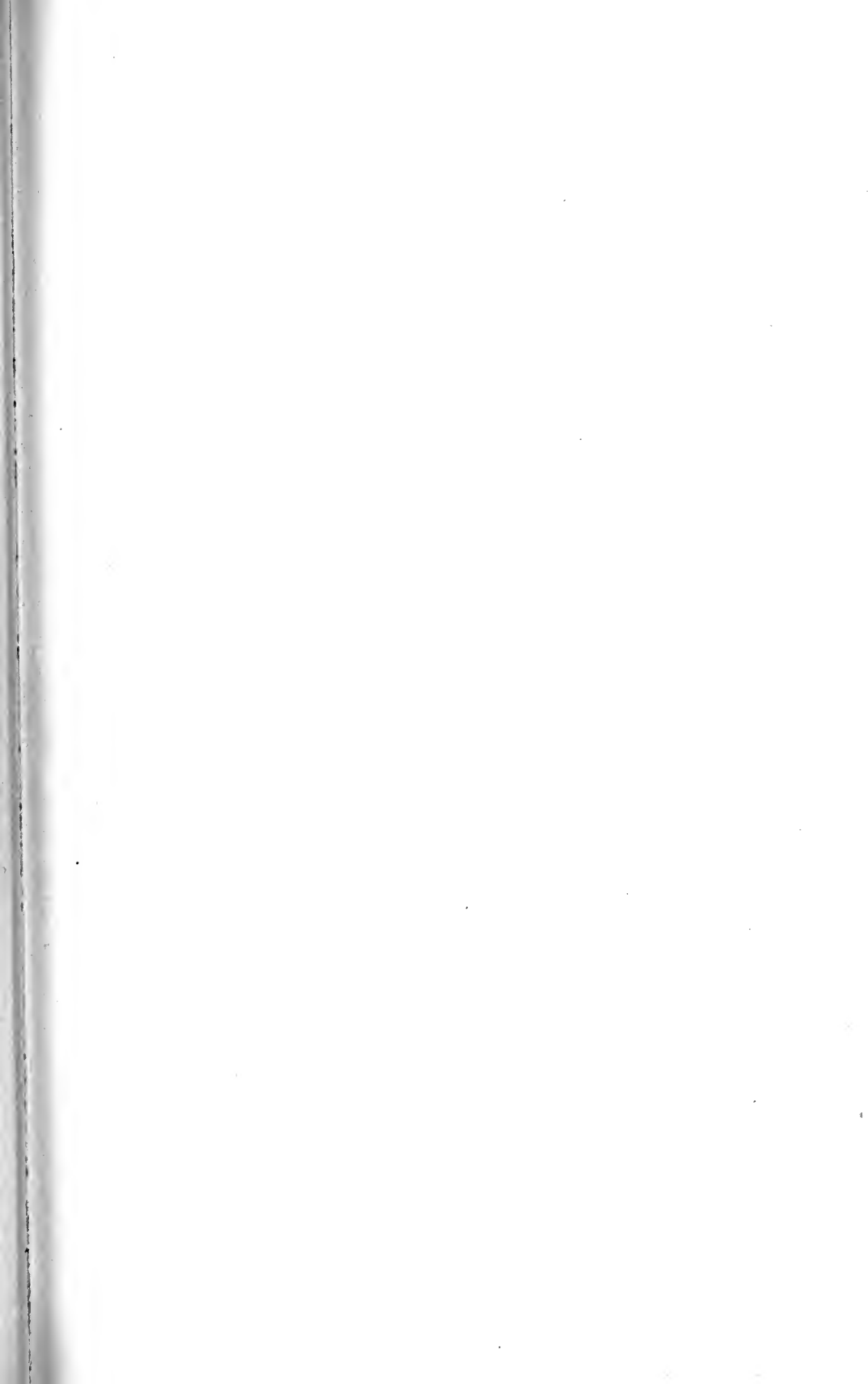
- (2) Subsection 10 of the said section 69 is repealed and the following substituted therefor:

Acceptance
of office
of trustee.

- (10) Every person upon receiving notice that he has been elected trustee shall be deemed to have accepted the office unless a notice to the contrary is delivered by him to the chairman within twenty days after the election.

Short title

- 2.** This Act may be cited as *The Public Schools Amendment Act, 1946*.



An Act to amend The Public Schools Act.

1st Reading

March 11th, 1946

2nd Reading

April 2nd, 1946

3rd Reading

April 5th, 1946

MR. GRUMMETT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Separate Schools Act.

MR. GRUMMETT

EXPLANATORY NOTE

In rural separate school sections any vote for trustees or upon a question is an open vote. The amendments provide for a secret ballot.

BILL

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 26 of *The Separate Schools Act* is amended by striking out all the words after the word "same" in the third line so that the said subsection shall now read as follows: Rev. Stat., c. 362, s. 26, subs. 5, amended.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the same. Granting poll.

(2) Subsection 6 of the said section 26 is repealed and the following substituted therefor: Rev. Stat., c. 362, s. 26, subs. 6, re-enacted.

(6) Where a poll is granted the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entries in poll book.

(6a) Ballot papers shall be pieces of plain white paper of uniform size. Form of ballot paper.

(6b) A voter shall mark his ballot, Marking of ballot paper.

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word "for" or "against" thereon.

(6c) Each voter shall mark his ballot paper in a compartment or other place provided for such purpose which is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary Manner of voting.

can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container which has been placed and is kept upon a table for such purpose.

Appoint-
ment of
scrutineer.

- (6d) Every candidate may appoint a person to act as his scrutineer during the election.

Counting
votes—
casting
vote.

- (9a) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote.

Declaration
of result.

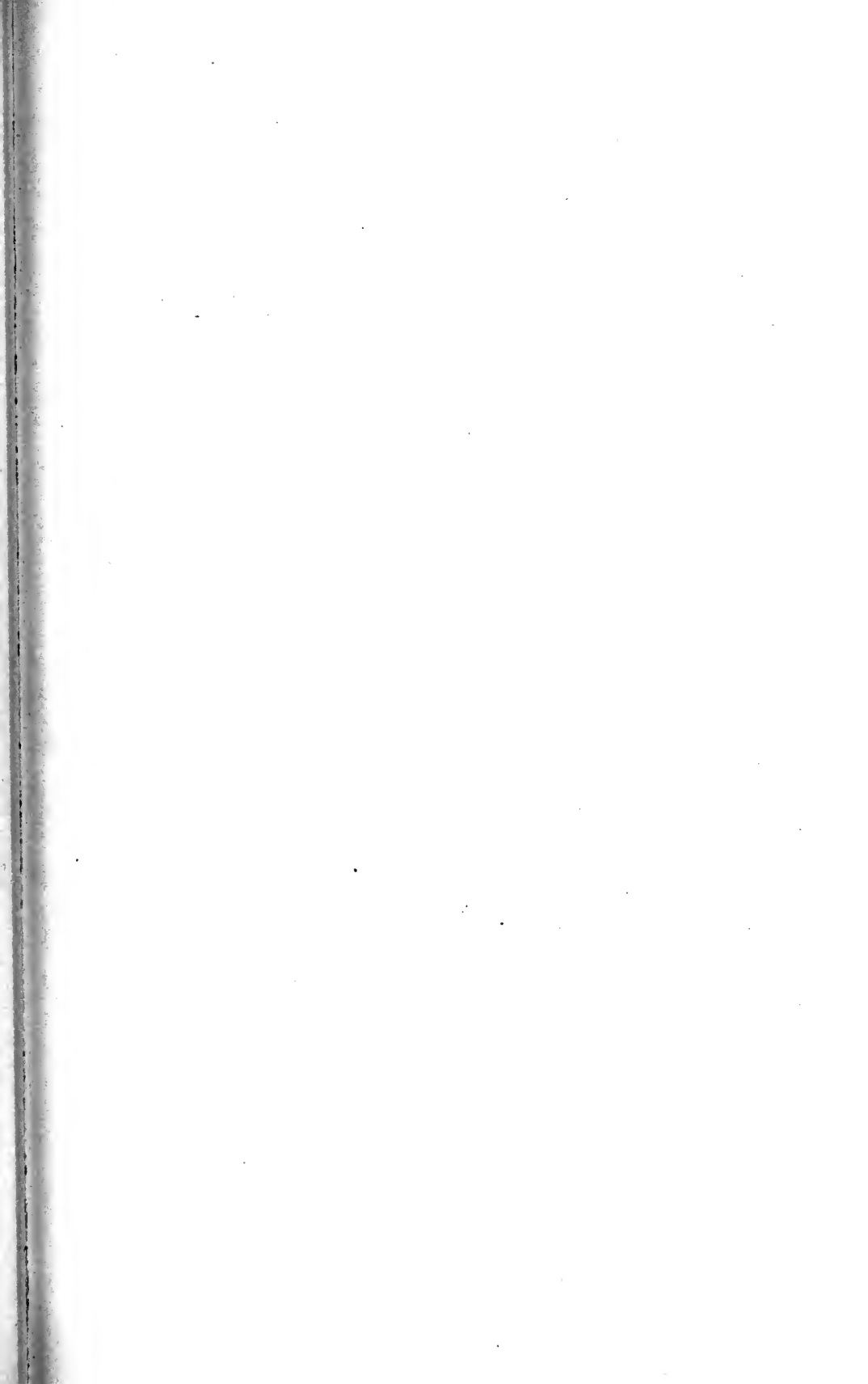
- (9b) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negatived as the majority of votes is in favour of or against the same.

Statement
of result
of poll.

- (9c) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate.

Short title.

- 2.** This Act may be cited as *The Separate Schools Amendment Act, 1946*.



BILL

An Act to amend The Separate Schools Act.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. GRUMMETT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Separate Schools Act.

MR. GRUMMETT

BILL

An Act to amend The Separate Schools Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 5 of section 26 of *The Separate Schools Act* is amended by striking out all the words after the word “same” in the third line so that the said subsection shall now read as follows: Rev. Stat.,
c. 362, s. 26,
subs. 5,
amended.

(5) Where a poll is demanded by two supporters of the school at a meeting for the election of a trustee the chairman shall forthwith grant the same. Granting
poll.

(2) Subsection 6 of the said section 26 is repealed and the following substituted therefor: Rev. Stat.,
c. 362, s. 26,
subs. 6,
re-enacted.

(6) Where a poll is granted the secretary shall enter in a poll book the name and residence of each qualified supporter of the school offering to vote within the time prescribed and shall furnish him, at the time of voting with a ballot paper on the back of which he has placed his initials, and shall provide a pencil for the marking of the ballot paper. Entries in
poll book.

(6a) Ballot papers shall be pieces of plain white paper of uniform size. Form of
ballot paper.

(6b) A voter shall mark his ballot, Marking of
ballot paper.

(a) in the election of a trustee, by marking the name of the trustee thereon; and

(b) on a question, by marking the word “for” or “against” thereon.

(6c) Each voter shall mark his ballot paper in a compartment or other place provided for such purpose which is so arranged that the manner in which he marks his ballot is not visible to other persons and shall thereupon fold it so that the initials of the secretary Manner of
voting.

can be seen without opening it and hand it to the secretary who shall, without unfolding it, ascertain that his initials appear upon it and shall then in full view of all present, including the voter, place the ballot in a ballot box or other suitable container which has been placed and is kept upon a table for such purpose.

Appoint-
ment of
scrutineer.

- (6d) Every candidate may appoint a person to act as his scrutineer during the election.

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Counting
votes—
casting
vote.

- (9a) When the poll is closed, the chairman and secretary shall count the votes polled for the respective candidates or affirmatively and negatively upon the question submitted, and if there is a tie the chairman shall give a second or casting vote.

Declaration
of result.

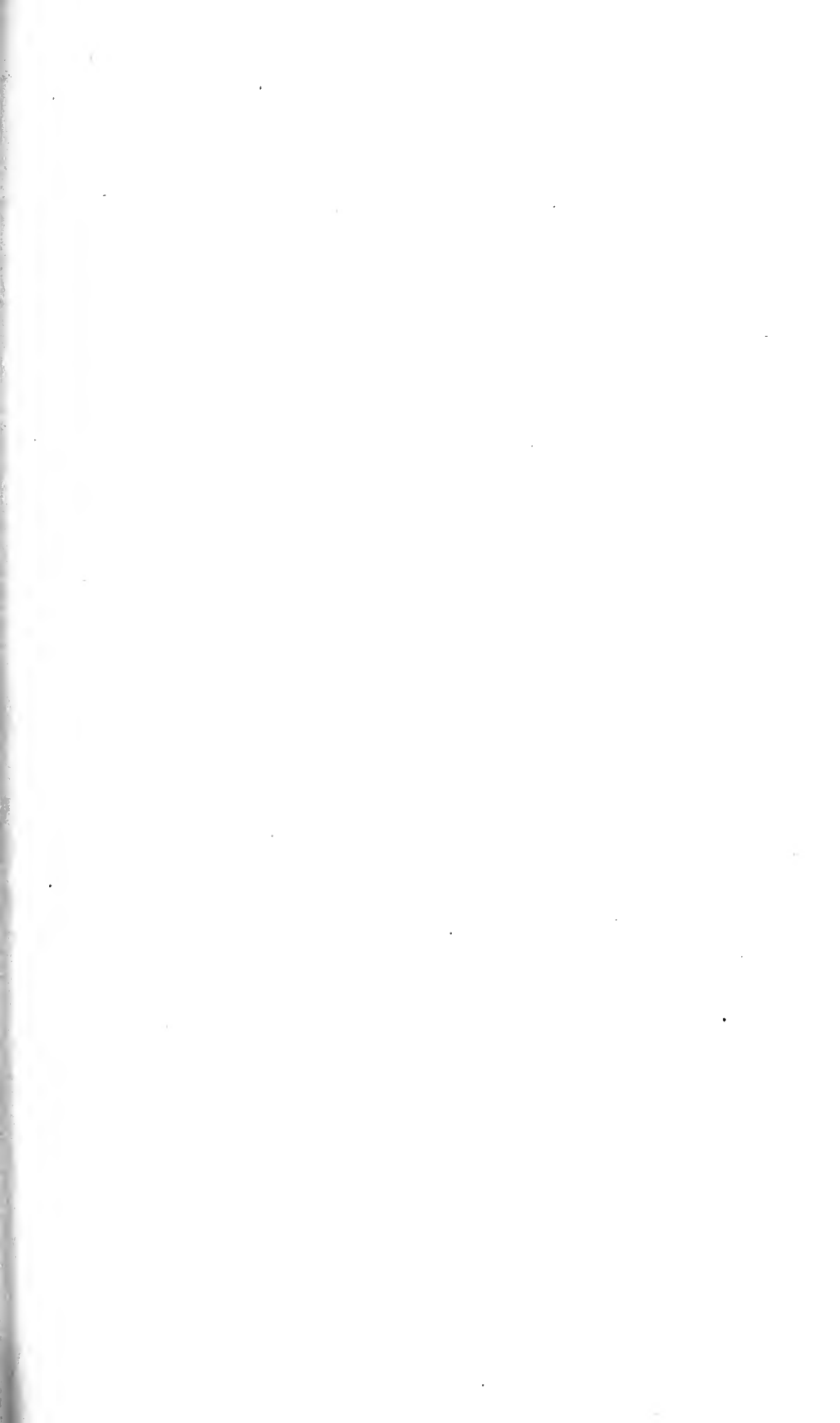
- (9b) In the case of an election of trustees the chairman shall then declare the candidate elected for whom the highest number of votes has been polled, and in case of a vote on a school question he shall declare the same adopted or negated as the majority of votes is in favour of or against the same.

Statement
of result
of poll.

- (9c) A statement of the result of the vote shall be certified by the chairman and secretary and in the case of an election of trustees the statement shall be signed by any scrutineers present at the counting of the ballots and a copy thereof shall be delivered to each candidate.

Short title.

2. This Act may be cited as *The Separate Schools Amendment Act, 1946*.





BILL

An Act to amend The Separate Schools Act.

1st Reading

March 11th, 1946

2nd Reading

April 2nd, 1946

3rd Reading

April 5th, 1946

MR. GRUMMETT

No. 75

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Minimum Wage Act.

MR. DALEY

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTION 1—Subsection 1. The amendment permits a minimum wage to be prescribed for part time workers.

Subsection 2. The Board's power to establish minimum hourly rates of wages for overtime work and minimum hourly rates of wages for employees who regularly work less than forty-eight hours per week, will be unobstructed.

SECTION 2. Section 4 of *The Minimum Wage Act* which prescribes the maximum number of hours with respect to which a minimum weekly wage may be established is no longer necessary in view of *The Hours of Work and Vacations with Pay Act, 1944*.

BILL

An Act to amend The Minimum Wage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 3 of *The Minimum Wage Act* Rev. Stat., c. 190, s. 3, cl. *d*, amended. is amended by striking out the word "regular" in the third line, so that the said clause shall now read as follows:

(*d*) establish a minimum wage for the prevailing weekly Minimum weekly wage. work period in the business of any employer or for any other working period which the Board may establish.

(2) Clauses *f* and *g* of the said section 3 are amended by Rev. Stat., c. 190, s. 3, cls. *f*, *g*, amended. striking out the words "provided that such hourly rates shall not be less than one-fortieth of the weekly minimum wage" where they occur in the second and third lines of clause *f* and in the third, fourth and fifth lines of clause *g*, so that the said clauses shall now read as follows:

(*f*) establish minimum hourly rates of wages for overtime Overtime wages. work;

(*g*) establish minimum hourly rates of wages for em- Short time wages. ployees who regularly work less than forty hours per week.

2. Section 4 of *The Minimum Wage Act* is repealed. Rev. Stat., c. 190, s. 4, repealed.

3. This Act may be cited as *The Minimum Wage Amend- Short title. ment Act, 1946.*

BILL

An Act to amend The Minimum Wage
Act.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Minimum Wage Act.

MR. DALEY

BILL

An Act to amend The Minimum Wage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *d* of section 3 of *The Minimum Wage Act* Rev. Stat., c. 190, s. 3, cl. *d*, amended. is amended by striking out the word “regular” in the third line, so that the said clause shall now read as follows:

(*d*) establish a minimum wage for the prevailing weekly work period in the business of any employer or for Minimum weekly wage. any other working period which the Board may establish.

(2) Clauses *f* and *g* of the said section 3 are amended by Rev. Stat., c. 190, s. 3, cls. *f*, *g*, amended. striking out the words “provided that such hourly rates shall not be less than one-fortieth of the weekly minimum wage” where they occur in the second and third lines of clause *f* and in the third, fourth and fifth lines of clause *g*, so that the said clauses shall now read as follows:

(*f*) establish minimum hourly rates of wages for overtime Overtime wages. work;

(*g*) establish minimum hourly rates of wages for em- Short time wages. ployees who regularly work less than forty hours per week.

2. Section 4 of *The Minimum Wage Act* is repealed.

Rev. Stat., c. 190, s. 4, repealed.

3. This Act may be cited as *The Minimum Wage Amendment Act, 1946*. Short title.

BILL
An Act to amend The Minimum Wage
Act.

1st Reading

March 11th, 1946

2nd Reading

March 20th, 1946

3rd Reading

March 26th, 1946

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. DALEY

EXPLANATORY NOTE

The purpose of the new clause *bb* is to authorize the making of regulations fixing the maximum number of hours which may elapse between the commencement and termination of the daily work periods of split-shift workers.

The purpose of the new clause *dd* is to authorize the making of regulations providing for payment of a portion of a week's pay in lieu of vacation with pay where an employee ceases to work for an employer after being employed for less than a working year.

BILL

An Act to amend The Hours of Work and Vacations
with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 10 of *The Hours of Work and Vacations with Pay* ^{1944,}
Act, 1944, is amended by adding thereto the following clauses: ^{c. 26, s. 10,} amended.

(bb) prescribing the maximum number of hours which
may elapse between the commencement and the
termination of the daily work period or periods of
an employee;

(dd) providing for the payment to an employee who
ceases to be employed by an employer after being
employed by the employer for only a portion of a
working year of such portion of one week's pay as the
portion of the working year for which he was em-
ployed bears to the working year, in lieu of a vacation
with pay.

2. This Act may be cited as *The Hours of Work and Vaca-* Short title.
tions with Pay Amendment Act, 1946.

An Act to amend The Hours of Work
and Vacations with Pay Act, 1944.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. DALEY

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, is amended by adding thereto the following clauses: ^{1944, c. 26, s. 10,} amended.

(bb) prescribing the maximum number of hours which may elapse between the commencement and the termination of the daily work period or periods of an employee;

(dd) providing for the payment to an employee who ceases to be employed by an employer after being employed by the employer for only a portion of a working year of such portion of one week's pay as the portion of the working year for which he was employed bears to the working year, in lieu of a vacation with pay.

2. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1946*. ^{Short title.}

BILL

An Act to amend The Hours of Work
and Vacations with Pay Act, 1944.

1st Reading

March 11th, 1946

2nd Reading

March 20th, 1946

3rd Reading

March 26th, 1946

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Minimum Wage Act.

MR. MACLEOD

EXPLANATORY NOTE

The provisions of this Bill are self-explanatory.

BILL

An Act to amend The Minimum Wage Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Minimum Wage Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 190, s. 4,
re-enacted.

4.—(1) It shall be unlawful for any employer to pay any of his employees, with the exception of an apprentice as defined by *The Apprenticeship Act*, at a rate of less than sixty-five cents per hour. Minimum
rate of
pay.

(2) Where there is any conflict between the provisions of subsection 1 and any regulation or order made under this Act or with the provisions of any other Act or any regulation made thereunder, the provisions of subsection 1 shall supersede and apply. Conflict
with other
provisions.

2. This Act may be cited as *The Minimum Wage Amendment Act, 1946* (No. 2). Short title.

BILL

An Act to amend The Minimum
Wage Act.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. MACLEOD

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

an Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. SALSBERG

EXPLANATORY NOTE

The provisions of this Bill are self-explanatory.

No. 78

1946

BILL

An Act to amend The Hours of Work and Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Hours of Work and Vacations with Pay* ^{1944, c. 26, s. 1,} *Act, 1944*, is amended by adding thereto the following clause: amended.

(f) "wage rates" or "wage rate" shall mean the basis of the calculation of the wages paid to an employee ^{"Wage rates" or "wage rate".} whether such basis of calculation is with reference to the period of time worked or on a piece work basis or as a commission on volume or value of results or on any incentive or other basis or any combination thereof.

2. Section 2 of *The Hours of Work and Vacations with Pay* ^{1944, c. 26, s. 2,} *Act, 1944*, is repealed and the following substituted therefor: re-enacted.

2.—(1) Subject to the provisions of this Act, the working ^{Limitation of hours of work.} hours of an employee in any industrial undertaking shall not exceed eight in any one day and forty in any one week and every employer shall establish such working hours in his industrial undertaking.

(2) Every employer establishing a working week of forty ^{Same take home pay.} hours, who prior to the coming into force of this Act had in effect in his industrial undertaking a regular working week in excess of forty hours, shall, upon the establishment of a working week of forty hours, pay such wage rates as will give each employee at least the equivalent weekly earnings for a working week of forty hours as he received previously for a working week in excess of forty hours.

(3) Any work performed by any employee in excess of ^{Overtime payment.} eight hours in any one day shall be paid for by his

employer at the overtime rate of not less than time and one-half the regular rate paid such employee.

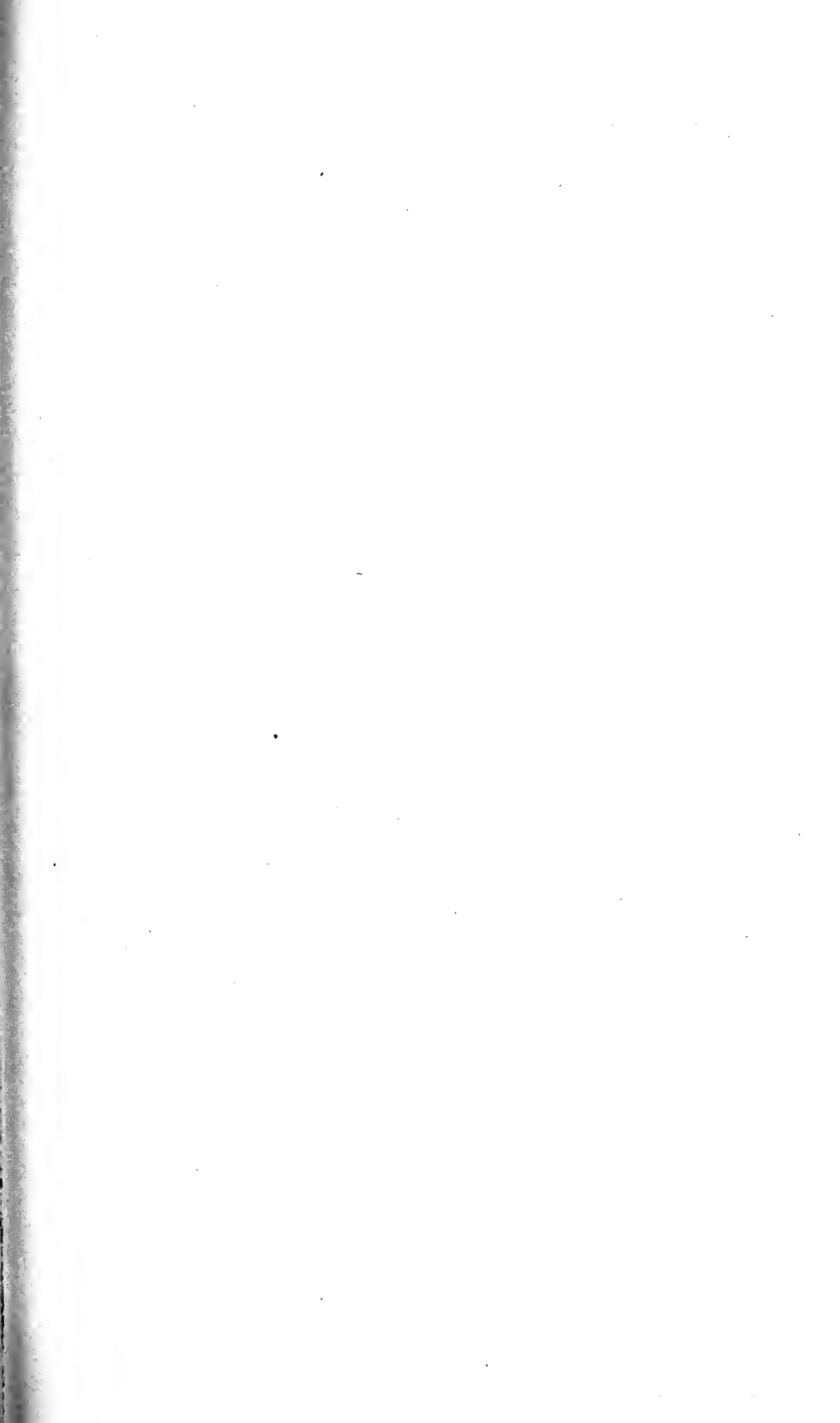
1944,
c. 26, s. 10,
amended.

3. Section 10 of *The Hours of Work and Vacations with Pay Act, 1944*, is amended by adding thereto the following clause:

- (g) prescribing the compensation which shall be payable by employers to their employees for the purpose of insuring that there is no reduction in earnings because of the limitation of hours of work as provided by this Act.

Short title.

4. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1946 (No. 2)*.



BILL

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. SALSBERG

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

an Act to amend The Hours of Work and Vacations with Pay Act, 1944.

MR. PARENT

EXPLANATORY NOTE

The Bill increases the vacation with pay required to be given to employees in industrial undertakings from one week for each working year to two weeks for each working year.

No. 79

1946

BILL

An Act to amend The Hours of Work and
Vacations with Pay Act, 1944.

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Subsection 2 of section 2 of *The Hours of Work and Vacations with Pay Act, 1944*, is repealed and the following substituted therefor: 1944,
c. 26, s. 2,
subs. 2,
re-enacted.

(2) Subject to the provisions of this Act, every employee Vacations.
in an industrial undertaking shall be given a vacation
of at least two weeks with pay for every working
year of his employment.

2. This Act may be cited as *The Hours of Work and Vacations with Pay Amendment Act, 1946* (No. 3). Short title.

BILL

An Act to amend The Hours of Work and
Vacations with Pay Act.

1st Reading

March 11th, 1946

2nd Reading

3rd Reading

MR. PARENT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. DALEY

EXPLANATORY NOTE

When *The Liquor Authority Control Act, 1944*, was enacted *The Liquor Control Act* was necessarily substantially amended and incidental thereto the provisions respecting standard hotels were dropped. This eliminated the right of standard hotels to sell non-intoxicating beverages and tobacco and to operate ice-cream parlours, restaurants and cafes without complying with municipal licensing requirements. This Bill restores that right to those hotels which are hotels in the commonly understood sense of the word and exempts them from the provisions of municipal early closing by-laws.

BILL

An Act to amend The Factory, Shop and Office Building Act,

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: Rev. Stat., c. 194, amended.

83.—(1) In this section “hotel” shall mean a separate building or two or more connected buildings used mainly for the purpose of catering to the needs of the travelling public by the supply of food and also by the furnishing of sleeping accommodation of not less than six bedrooms as distinguished from any other building or connected buildings used mainly for the purpose of supplying food and lodging by the week or otherwise commonly known as “boarding houses” or of furnishing living quarters for families and having a dining-room or restaurant commonly known as “apartment houses” or “private hotels”. “Hotel”,—meaning of.

(2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conduct of any ice-cream parlour, restaurant or cafe, the keeper of a hotel shall not be required,— Sale of non-intoxicating drinks, etc.

(a) to obtain any license issued by a municipal authority; or

(b) to comply with any by-law relating to early closing.

2. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1946*. Short title.

BILL

An Act to amend The Factory, Shop and
Office Building Act.

1st Reading

March 12th, 1946

2nd Reading

3rd Reading

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Factory, Shop and Office Building Act.

MR. DALEY

BILL

An Act to amend The Factory, Shop and Office Building Act,

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1. *The Factory, Shop and Office Building Act* is amended by adding thereto the following section: Rev. Stat., c. 194, amended.

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(2) For the purposes of the sale of non-intoxicating drinks and beverages, cigars, cigarettes and tobacco and the conduct of any ice-cream parlour, restaurant or cafe, the keeper of a hotel shall not be required,— Sale of non-intoxicating drinks, etc.

(a) to obtain any license issued by a municipal authority; or

(b) to comply with any by-law relating to early closing.

2. This Act may be cited as *The Factory, Shop and Office Building Amendment Act, 1946*. Short title.

BILL

An Act to amend The Factory, Shop and
Office Building Act.

1st Reading

March 12th, 1946

2nd Reading

March 20th, 1946

3rd Reading

March 26th, 1946

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Officers' Fees Act.

MR. BLACKWELL

EXPLANATORY NOTE

SECTION 1—Subsection 1. Division court clerks may now retain up to \$3,000 of their gross fees and emoluments in each year. Bailiffs may retain up to \$4,000. This Bill increases the amount which the clerks may retain to \$4,000.

Subsection 2. This amendment is rendered necessary by reason of subsection 1. No change is made in the rates prescribed for those ranges which remain in the section.

BILL

An Act to amend The Public Officers' Fees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8 of *The Public Officers' Fees Act* is amended by striking out the symbol and figures "\$3,000" in the third line, and inserting in lieu thereof the symbol and figures "\$4,000", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 18, s. 8,
subs. 1,
amended.

(1) Every division court clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$4,000.

Division
court
clerk.

(2) Subsection 2 of the said section 8 is repealed and the following substituted therefor:

Rev. Stat.,
c. 18, s. 8,
subs. 2,
re-enacted.

(2) Of the fees and emoluments earned by any division court clerk in each year he shall pay to the Treasurer of Ontario the following percentages,—

Scale of
percentages
payable to
Province.

(a) on the excess over \$4,000, up to \$6,000, thirty per centum thereof;

(b) on the excess over \$6,000, up to \$10,000, forty per centum thereof;

(c) on the excess over \$10,000, seventy-five per centum thereof.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the first day of January, 1946.

Commence-
ment of Act.

3. This Act may be cited as *The Public Officers' Fees Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Public
Officers' Fees Act.

1st Reading

March 12th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL.

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Public Officers' Fees Act.

MR. BLACKWELL

BILL

An Act to amend The Public Officers' Fees Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 8 of *The Public Officers' Fees Act* is amended by striking out the symbol and figures "\$3,000" in the third line, and inserting in lieu thereof the symbol and figures "\$4,000", so that the said subsection shall now read as follows:

Rev. Stat.,
c. 18, s. 8,
subs. 1,
amended.

(1) Every division court clerk shall be entitled to retain to his own use in each year all the fees and emoluments earned by him in that year up to \$4,000.

Division
court
clerk.

(2) Subsection 2 of the said section 8 is repealed and the following substituted therefor:

Rev. Stat.,
c. 18, s. 8,
subs. 2,
re-enacted.

(2) Of the fees and emoluments earned by any division court clerk in each year he shall pay to the Treasurer of Ontario the following percentages,—

Scale of
percentages
payable to
Province.

(a) on the excess over \$4,000, up to \$6,000, thirty per centum thereof;

(b) on the excess over \$6,000, up to \$10,000, forty per centum thereof;

(c) on the excess over \$10,000, seventy-five per centum thereof.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the first day of January, 1946.

Commence-
ment of Act.

3. This Act may be cited as *The Public Officers' Fees Amendment Act, 1946*.

Short title.

BILL

An Act to amend The Public
Officers' Fees Act.

1st Reading

March 12th, 1946

2nd Reading

March 20th, 1946

3rd Reading

March 26th, 1946

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Fatal Accidents Act.

MR. BLACKWELL

EXPLANATORY NOTE

The purpose of this Bill is to eliminate any existing ambiguity in the present section regarding recovery of damages for expenses incurred in moving the body of the deceased from place of death to place of interment by providing for a maximum of \$250 to be recovered for all necessary expenses of burial incurred.

No. 82

1946

BILL

An Act to amend The Fatal Accidents Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 3 of *The Fatal Accidents Act*,
as enacted by section 1 of *The Fatal Accidents Amendment*
Act, 1943, is repealed and the following substituted therefor:

Rev. Stat.,
c. 210, s. 3,
subs. 1a
(1943,
c. 6, s. 1),
re-enacted.

(1a) In an action brought under this Act where funeral
expenses have been incurred by the parties for whose
benefit the action is brought, damages may be
awarded not exceeding \$250 for necessary expenses of
the burial of the deceased including transportation
and things supplied and services rendered in con-
nection therewith.

Funeral
expenses.

2. This Act may be cited as *The Fatal Accidents Amendment*
Act, 1946.

Short title.

An Act to amend The Fatal Accidents Act.

1st Reading

March 12th, 1946

2nd Reading

3rd Reading

MR. BLACKWELL

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Fatal Accidents Act.

MR. BLACKWELL

BILL

An Act to amend The Fatal Accidents Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1a of section 3 of *The Fatal Accidents Act*, Rev. Stat., c. 210, s. 3, subs. 1a (1943, c. 6, s. 1), re-enacted. as enacted by section 1 of *The Fatal Accidents Amendment Act, 1943*, is repealed and the following substituted therefor:

(1a) In an action brought under this Act where funeral Funeral expenses. expenses have been incurred by the parties for whose benefit the action is brought, damages may be awarded not exceeding \$250 for necessary expenses of the burial of the deceased including transportation and things supplied and services rendered in connection therewith.

2. This Act may be cited as *The Fatal Accidents Amendment Act, 1946*. Short title.

BILL

An Act to amend The Fatal Accidents Act.

1st Reading

March 12th, 1946

2nd Reading

March 20th, 1946

3rd Reading

March 26th, 1946

MR. BLACKWELL.

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Planning and Development.

MR. PORTER

EXPLANATORY NOTES

GENERAL. The primary purpose of this Bill is to enable municipalities to plan programmes for their future development designed to secure the health, safety, convenience and welfare of their inhabitants.

The secondary purpose is to require more adequate data to be furnished in connection with plans of subdivision than is now required by *The Planning and Development Act*. The procedure with respect to the preparation and approval of plans of subdivision is simplified.

A third purpose is to give municipalities certain required powers with respect to housing projects.

Most of the sections of the Bill are procedural and are self-explanatory. Consequently explanatory notes are provided only for those sections that appear to require comment.

SECTION 1. This section defines words that are commonly used in the Act and defines phrases that have a special meaning as used in the Act.

BILL

An Act respecting Planning and Development.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) “council” shall mean council of a municipality or “council”; board of trustees of an improvement district;
- (b) “designated municipality” shall mean municipality “designated
designated by the Minister to formulate the official
plan”; municipality”;
- (c) “housing project” shall mean a project designed to “housing
furnish housing accommodation together with any
public space, recreational facilities and commercial
space or buildings appropriate thereto; project”;
- (d) “local board” shall mean school board, public utility “local
commission, transportation commission, public lib- board”;
rary board, board of park management, board of
health, board of commissioners of police and any
other board, commission, committee, body or local
authority established or exercising any power or
authority under any general or special Act with
respect to any of the affairs or purposes of a munici-
pality or of two or more municipalities or portions
thereof;
- (e) “Minister” shall mean Minister of Planning and “Minister”;
Development;
- (f) “municipality” shall mean city, town, village, town- “muni-
ship or improvement district; cipality”;
- (g) “official plan” shall mean a plan consisting of maps “official
and explanatory texts prepared and recommended plan”;
by the planning board and adopted and approved

as provided in this Act, covering a planning area, and showing a programme of future development, including the regulation of the use of land, buildings and structures or the location of buildings and structures in the planning area and any other feature designed to secure the health, safety, convenience and welfare of the inhabitants;

"planning area";

(h) "planning area" shall mean an area comprising the whole or part of one or more municipalities as defined by the Minister;

"public work";

(i) "public work" shall mean any municipal undertaking or improvement of a structural nature that is within the jurisdiction of the council or any local board;

"urban development area".

(j) "urban development area" shall mean an area of land designated for urban development.

Establishment of planning areas.

2.—(1) Where a council is desirous of having an official plan, it shall make application to the Minister who may define and name a planning area.

Idem.

(2) Where the planning area covers more than one municipality, the Minister shall designate the municipality that shall formulate the official plan, and the scope and general purpose thereof.

Subsidiary planning areas.

(3) Where the council of a municipality within a planning area is desirous of having an official plan for local purposes, the Minister may define a subsidiary planning area.

Matters to be regarded.

(4) In defining the scope and general purpose of the official plan the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services.

Appointment of planning boards.

3. When the planning area is defined, the council shall appoint the planning board, and where the planning area covers more than one municipality, the council of the designated municipality shall, subject to the approval of the Minister, appoint the planning board.

Composition of planning boards.

4.—(1) Where the planning area consists of more than one municipality, the planning board shall be a body corporate consisting of three, six or nine members who are not members of any council or employees of any municipality or local board, and the head of the council of the designated municipality may be appointed from year to year as a member *ex officio*.

Idem.

(2) Where the planning area consists of one municipality only, the planning board shall be a body corporate consisting

SECTION 2. This section provides for initiating official plans and for defining planning areas.

SECTION 4. This section provides for the composition of planning boards, the term of office of the members, vacancies, quorum, officers, employees, etc.

SECTION 6. This section provides for the expenditures of planning boards.

SECTION 7. This section sets out the duties of planning boards.

of three, six or nine members who are not members of the council or employees of the municipality or a local board, and in addition there may be one member appointed from year to year from the council for every three members appointed as aforesaid, and the head of the council may be appointed from year to year as a member *ex officio*.

(3) Where the head of the council is a member of the planning board, he may with the approval of the council appoint a substitute to act for him from time to time. Substitute for head of council.

(4) The members of the planning board who are not members of the council shall hold office for three years, provided that on the first appointment the council shall designate one-third of the members who shall hold office for one year and one-third who shall hold office for two years and one-third who shall hold office for three years. Term of office. Proviso.

(5) The members of the planning board shall hold office until their successors are appointed and shall be eligible for re-appointment. Re-appointment

(6) Where a member ceases to be a member of the planning board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. Vacancies.

(7) Two members or one-third of the members of the planning board, whichever is greater, shall constitute a quorum. Quorum.

(8) The planning board shall elect a chairman and a vice-chairman, who shall preside in the absence of the chairman. Officers.

(9) The planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is deemed expedient. Secretary-treasurer, employees, consultants.

5. The execution of documents by the planning board shall be evidenced by the signature of the chairman or the vice-chairman and of the secretary-treasurer and the corporate seal of the board. Execution of documents.

6. The planning board shall submit annually to the council an estimate of its expenditures for the ensuing year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time. Finances.

7. The planning board shall investigate and survey the physical, social and economic conditions in relation to the Duties of planning boards.

development of the planning area and perform such other duties of a planning nature as may be referred to it by the council, and without limiting the generality of the foregoing it shall,—

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan of the planning area and recommend it to the council for adoption;
- (e) recommend from time to time to the council the implementation of any of the features of the official plan.

Plan to be submitted to council.

8.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council.

Adoption of plan.

(2) The council may adopt the plan by a vote of the majority of all the members.

Plan to be submitted to Minister.

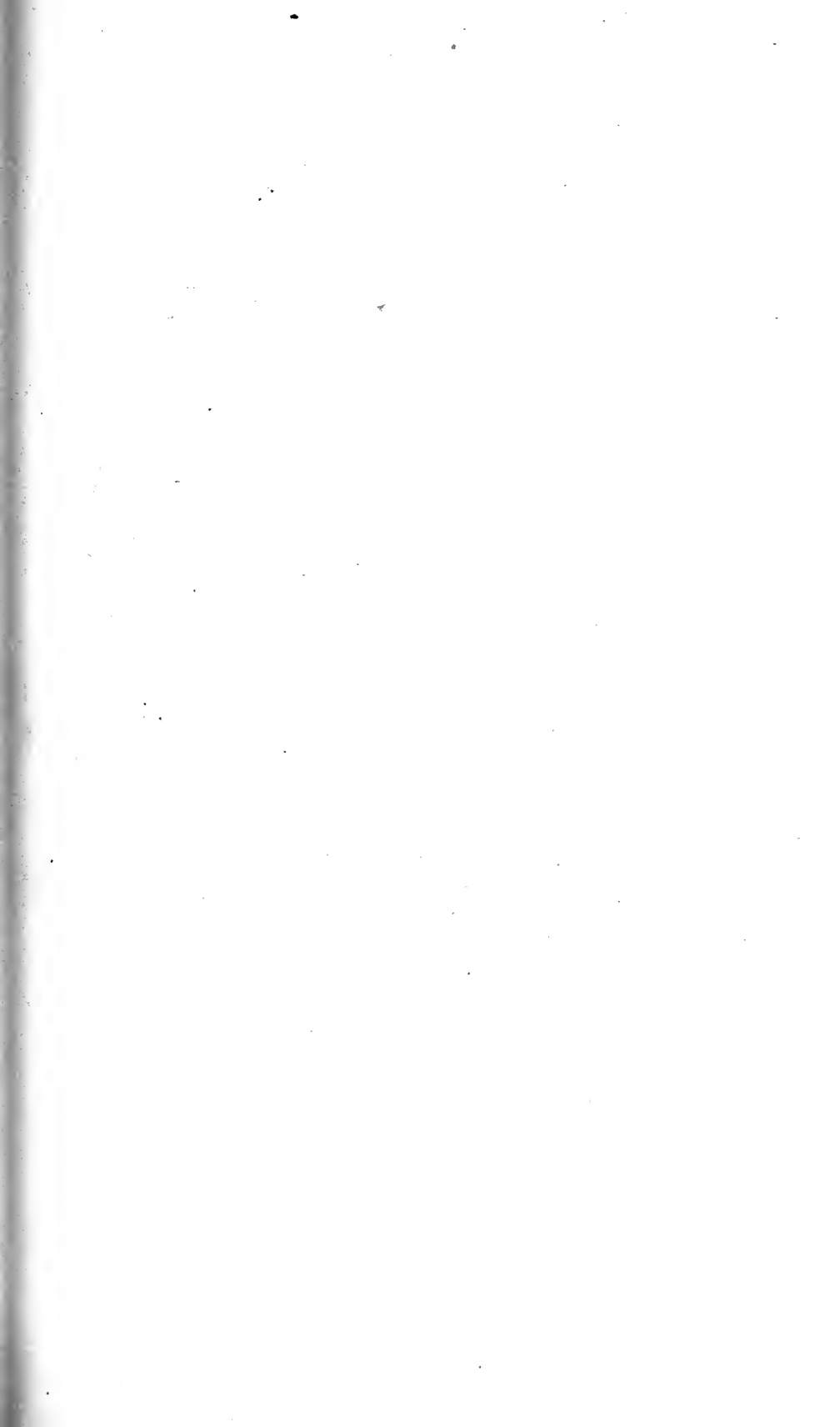
9.—(1) Upon adoption the plan shall be submitted by the council to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and where the planning area consists of more than one municipality, the Minister shall refer the plan to the council of every municipality in the planning area, and if modifications appear desirable, settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly.

Approval by Minister.

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area.

Lodging of official plan.

10.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the board in the office of the Minister and in the office of the clerk of every municipality within the planning area, and shall be available at such places for public inspection during office hours.



SECTION 15. This section provides for the acquisition of lands required for the purpose of developing any feature of the official plan.

SECTION 16. This section will enable municipalities to acquire hold, sell, etc., land required for a housing project.

(2) At least two, or as many as may be required, duplicate originals of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where they shall be made available to the public as productions. Idem.

11. The provisions of this Act with respect to an official plan shall apply *mutatis mutandis* to alterations and additions thereto. Alterations and additions.

12. Notwithstanding any other Act, where an official plan is in effect, no public work that does not conform therewith shall be undertaken, except with the approval of a two-thirds affirmative vote of all the members of the council of the municipality in which the public work is to be undertaken. Public works to conform with official plan.

13. Where there is conflict between an official plan and a by-law passed under section 406 of *The Municipal Act*, the official plan shall prevail. Conflict. Rev. Stat., c. 266.

14. Where lands, buildings or structures are used or buildings or structures are located in contravention of the official plan or the official plan is contravened in any other manner, in addition to any other remedy or penalty provided by law, such contravention may be restrained by action at the instance of the planning board or a ratepayer of the municipality in which the contravention took place. Right to restrain.

15.—(1) For the purpose of developing any feature of the official plan a municipality, with the approval of the Minister, may at any time and from time to time,— Acquisition of lands for official plan purposes.

- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held when no longer required.

(2) For the purpose of developing any feature of the official plan a designated municipality, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area, and in such case any municipality within the planning area may contribute to the cost of acquiring such land for such purpose. Acquisition of lands for official plan purposes by designated municipalities.

16.—(1) For the purpose of a housing project a municipality, with the approval of the Minister, may,— Acquisition of lands for housing projects.

- (a) acquire land within the municipality;

(b) hold land heretofore or hereafter acquired within the municipality; or

(c) sell, lease or otherwise dispose of land so acquired or held for a nominal or other consideration to any person or governmental authority having power to undertake housing projects.

Acquisition of lands in adjacent municipalities for housing projects.

(2) For the purpose of a housing project a municipality, with the approval of the council of the municipality in which the land is situate and the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land in any adjacent municipality.

Rev. Stat., c. 266, to apply.

17. The provisions of *The Municipal Act* shall apply to the acquisition of land under section 15 or 16.

Power to clear, grade, etc., lands acquired.

18. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Exchange of lands.

19. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Power to erect, etc., housing projects.

20. A municipality, with the approval of the Minister, may erect, maintain, manage and wind up housing projects either within or outside the municipality.

Power to share capital and maintenance cost of housing projects.

21. A municipality, with the approval of the Minister may enter into agreements with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of housing projects.

Agreements to maintain land uses surrounding housing projects.

22. A municipality, with the approval of the Minister, may enter into an agreement with any person or governmental authority undertaking a housing project to provide that certain specified uses of land in a specified area surrounding the project will be maintained for the period specified in the agreement.

Urban development areas.

23.—(1) When a planning area is defined, the council of any municipality therein may by by-law designate any area within the municipality as an urban development area and land within the urban development area shall not be divided for sale or sold in part or agreed to be sold in part unless the land is shown on a registered plan of subdivision or unless the council has approved the sale or agreement for sale.

SECTION 19. This section provides that lands owned by the municipality may be exchanged for other lands required for the purpose of developing any feature of the official plan or for a housing project.

SECTION 20. This section is required in order to legalize housing projects now under way or contemplated.

SECTION 22. This section is necessary in order that the use of land surrounding a housing project may be controlled.

SECTION 23. The purpose of this section is to require that lands in defined areas shall be sold only by proper descriptions.

SECTION 24. This section is designed particularly for areas in unorganized territory or in municipalities that do not exercise the permissive powers of section 406 of *The Municipal Act*, under which the use of lands and buildings and the location of buildings may be restricted and will enable the Minister to zone such areas in a way that will ensure their proper development.

SECTION 25. This section sets out the procedures leading to the approval and registration of plans of subdivision.

(2) At least two, or as many as may be required, certified copies of the by-law shall be lodged in the office of the Minister where the same shall be available for public inspection during office hours and in the proper registry office where the same shall be made available to the public as productions. Lodging of copies of urban development area by-laws.

(3) When an area is designated as an urban development area it shall not be altered or dissolved without the approval of the Minister. Approval of Minister to alteration, etc., of urban development areas.

(4) Every person who divides for sale, sells in part or agrees to sell in part land in contravention of this section shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 136.

24.—(1) The Minister, with respect to any land in Ontario that is not covered by an official plan or is not within the scope of a by-law passed under section 406 of *The Municipal Act*, may by Order,— Power of Minister to zone. Rev. Stat., c. 266.

(a) without the approval of the Ontario Municipal Board, exercise any of the powers conferred upon councils by the said section 406; or

(b) exercise the powers conferred upon councils by this Act to designate an urban development area.

(2) The Minister may give notice of any such order in such manner as he deems expedient. Notice.

25.—(1) Every person desiring to subdivide land into lots for the purpose of sale shall forward at least four, or as many as may be required, copies of a draft plan thereof drawn to scale together with an application for approval to the Minister and shall, unless the land is situate in unorganized territory, forward two copies of such plan and an application for approval,— Applications for approval of subdivision plans.

(a) where the land is not situate within a planning area, to the council of the municipality in which the land is situate;

(b) where the land is situate within a planning area, to the planning board; or

(c) where the land is situate within a subsidiary planning area, to each planning board.

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,— What draft plan to indicate.

- (a) the locations, widths and names of proposed highways;
- (b) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and where the adjoining land is not subdivided, the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (c) the purpose for which the lots are to be used;
- (d) the nature of the existing uses of adjoining land;
- (e) the approximate dimensions and layouts of the proposed lots;
- (f) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (g) the availability and nature of domestic water supplies;
- (h) the nature and porosity of the soil;
- (i) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land; and
- (j) the municipal services available or to be available to the land proposed to be subdivided.

Minister
to confer.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements.

What
matters to
be regarded.

(4) In considering a draft plan of subdivision regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following,—

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (b) whether the subdivision is premature or necessary in the public interest;

SECTION 27. This section is required in order to ensure that no improper encroachment will be made upon highways.

- (c) the suitability of the land for the purposes for which it is being subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services; and
- (i) the area of land, if any, within the subdivision that, exclusive of highways, is to be dedicated for public purposes.

(5) Upon settlement of the draft plan, the Minister may give his approval thereto.

Approval of draft plan by Minister.

(6) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act*, *The Registry Act* or *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

When draft plan approved.
Rev. Stat., cc. 232, 170, 174.

(7) Upon presentation by the person desiring to subdivide the Minister may, if satisfied that the plan is in conformity with the approved draft plan, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Approval of plan by Minister.

(8) A true copy of every plan of subdivision as registered shall be lodged by the person who tendered it for registration in the office of the Minister, and when the land subdivided is in a planning area, with the secretary-treasurer of the planning board.

Lodging of copies.

26. Every lot laid out on a plan of subdivision shall front or abut on a public highway.

Lots to front or abut highways.

27.—(1) No part of a tract of land that fronts or abuts a highway less than sixty-six feet in width and is less than thirty-three feet from the centre line exclusive of any widening thereof, or that is within forty-three feet of the centre line exclusive of any widening thereof of a provincial suburban

Severance of lands adjoining highways.

highway, or that is within fifty feet of the centre line exclusive of any widening thereof of a King's Highway and that is not included in a registered plan of subdivision, shall be conveyed without the approval of the Minister.

Certificate
of proof.

(2) Where the official required to record any transaction under subsection 1 is in doubt as to the width of the highway upon which the land in question fronts or abuts, he may require proof by certificate of an Ontario land surveyor that no part thereof is less than thirty-three feet, forty-three feet or fifty feet, as the case may be, from the centre of the highway, exclusive of any widening thereof.

Intervening
strips.

(3) The strip of land, if any, between the land conveyed and the highway shall be deemed to form part of the highway and no compensation shall be payable with respect thereto.

Penalty.

(4) Every person who conveys land in contravention of this section shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Alterations
in highways.

28. Notwithstanding any other Act, no public highway outside a planning area shall be established, laid out, widened, altered, diverted, stopped up or closed without the approval of the Minister.

Penalty
for certain
land sales.

29. Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Reference
to Municipal
Board.

30. Where under this Act the approval of the Minister is required, the Minister may, and upon application therefor shall, refer the matter to the Ontario Municipal Board in which case the approval of the Board shall have the same force and effect as if it were the approval of the Minister.

Rev. Stat.,
c. 270,
repealed,—
prospective
effect.

Proviso.

31. The urban zones under *The Planning and Development Act* shall remain subject to the provisions of the said Act for a period of one year from the day upon which this Act comes into force, provided that if during such year any part of an urban zone is brought within a planning area, the said Act shall cease to apply to such zone and provided that during such year the provisions of this Act with respect to subdivision plans shall apply whether or not the land subdivided is in an urban zone, but in all other respects *The Planning and Development Act* shall cease to have any force or effect from the day on which this Act comes into force and shall be repealed one year after such day.

SECTION 29. This section is aimed at preventing fraudulent practices in the sale of lands by indefinite descriptions.

SECTION 30. Under this section the Minister may delegate to the Municipal Board any matter that comes before him for approval under this Act and where an application therefor is made to the Minister, he shall refer the matter to the Board.

SECTION 31. This section provides for the orderly repeal of *The Planning and Development Act* now in force.

SECTION 32. The sections of the Bill having to do with housing projects are made retroactive to January 1st, 1942, in order to legalize such undertakings commenced since that date.

32. This Act shall come into force on the day upon which it receives the Royal Assent and the provisions thereof with respect to housing projects shall be deemed to have come into effect on the 1st day of January, 1942. Commence-
ment of Act.

33. This Act may be cited as *The Planning Act, 1946.* Short title.

BILL

An Act respecting Planning and
Development.

1st Reading

March 13th, 1946

2nd Reading

3rd Reading

MR. PORTER

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Planning and Development.

MR. PORTER

(Reprinted as amended in Committee of the Whole House.)

EXPLANATORY NOTES

GENERAL. The primary purpose of this Bill is to enable municipalities to plan programmes for their future development designed to secure the health, safety, convenience and welfare of their inhabitants.

The secondary purpose is to require more adequate data to be furnished in connection with plans of subdivision than is now required by *The Planning and Development Act*. The procedure with respect to the preparation and approval of plans of subdivision is simplified.

A third purpose is to give municipalities certain required powers with respect to housing projects.

Most of the sections of the Bill are procedural and are self-explanatory. Consequently explanatory notes are provided only for those sections that appear to require comment.

SECTION 1. This section defines words that are commonly used in the Act and defines phrases that have a special meaning as used in the Act.

BILL

An Act respecting Planning and Development.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "council" shall mean council of a municipality or "council"; board of trustees of an improvement district;
- (b) "designated municipality" shall mean municipality "designated
municipality"; designated by the Minister to formulate the official plan;
- (c) "housing project" shall mean a project designed to "housing
project"; furnish housing accommodation together with any public space, recreational facilities and commercial space or buildings appropriate thereto;
- (d) "local board" shall mean school board, public utility "local
board"; commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof;
- (e) "Minister" shall mean Minister of Planning and "Minister"; Development;
- (f) "municipality" shall mean city, town, village, town- "municipality"; ship or improvement district;
- (g) "official plan" shall mean a plan consisting of maps "official
plan"; and explanatory texts prepared and recommended by the planning board and adopted and approved

as provided in this Act, covering a planning area, and showing a programme of future development, including the regulation of the use of land, buildings and structures or the location of buildings and structures in the planning area and any other feature designed to secure the health, safety, convenience and welfare of the inhabitants;

"planning area";

(h) "planning area" shall mean an area comprising the whole or part of one or more municipalities as defined by the Minister;

"public work";

(i) "public work" shall mean any municipal undertaking or improvement of a structural nature that is within the jurisdiction of the council or any local board;

"urban development area".

(j) "urban development area" shall mean an area of land designated for urban development.

Establishment of planning areas.

2.—(1) Where a council is desirous of having an official plan, it shall make application to the Minister who may define and name a planning area.

Idem.

(2) Where the planning area covers more than one municipality, the Minister shall designate the municipality that shall formulate the official plan, and the scope and general purpose thereof.

Subsidiary planning areas.

(3) Where the council of a municipality within a planning area is desirous of having an official plan for local purposes, the Minister may define a subsidiary planning area.

Matters to be regarded.

(4) In defining the scope and general purpose of the official plan the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services.

Appointment of planning boards.

3. When the planning area is defined, the council shall appoint the planning board, and where the planning area covers more than one municipality, the council of the designated municipality shall, subject to the approval of the Minister, appoint the planning board.

Composition of planning boards.

4.—(1) Where the planning area consists of more than one municipality, the planning board shall be a body corporate consisting of three, six or nine members, a majority of whom shall not be members of a municipal council, and the head of the council of the designated municipality may be appointed as a member *ex officio*.

Idem.

(2) Where the planning area consists of one municipality only, the planning board shall be a body corporate consisting

SECTION 2. This section provides for initiating official plans and for defining planning areas.

SECTION 4. This section provides for the composition of planning boards, the term of office of the members, vacancies, quorum, officers, employees, etc.

SECTION 6. This section provides for the expenditures of planning boards.

SECTION 7. This section sets out the duties of planning boards.

of three, six or nine members who are not members of the council or employees of the municipality or a local board, and in addition there may be one member appointed from year to year from the council for every three members appointed as aforesaid, and the head of the council may be appointed from year to year as a member *ex officio*.

(3) Where the head of the council is a member of the planning board, he may with the approval of the council appoint a substitute to act for him from time to time. Substitute for head of council.

(4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council shall designate one-third of the members who shall hold office for one year and one-third who shall hold office for two years and one-third who shall hold office for three years. Term of office. Proviso.

(5) The members of the planning board shall hold office until their successors are appointed and shall be eligible for re-appointment. Re-appointment

(6) Where a member ceases to be a member of the planning board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. Vacancies.

(7) Two members or one-third of the members of the planning board, whichever is greater, shall constitute a quorum. Quorum.

(8) The planning board shall elect a chairman and a vice-chairman, who shall preside in the absence of the chairman. Officers.

(9) The planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is deemed expedient. Secretary-treasurer, employees, consultants.

5. The execution of documents by the planning board shall be evidenced by the signature of the chairman or the vice-chairman and of the secretary-treasurer and the corporate seal of the board. Execution of documents.

6. The planning board shall submit annually to the council an estimate of its expenditures for the ensuing year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time. Finances.

7. The planning board shall investigate and survey the physical, social and economic conditions in relation to the Duties of planning boards.

development of the planning area and perform such other duties of a planning nature as may be referred to it by the council, and without limiting the generality of the foregoing it shall,—

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan of the planning area and recommend it to the council for adoption;
- (e) recommend from time to time to the council the implementation of any of the features of the official plan.

Plan to be submitted to council.

8.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council.

Adoption of plan.

(2) The council may adopt the plan by a vote of the majority of all the members.

Plan to be submitted to Minister.

9.—(1) Upon adoption the plan shall be submitted by the council to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and where the planning area consists of more than one municipality, the Minister shall refer the plan to the council of every municipality in the planning area, and if modifications appear desirable, settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly.

Approval by Minister.

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area.

Lodging of official plan.

10.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the board in the office of the Minister and in the office of the clerk of every municipality within the planning area, and shall be available at such places for public inspection during office hours.

SECTION 15. This section provides for the acquisition of lands required for the purpose of developing any feature of the official plan.

SECTION 16. This section will enable municipalities to acquire hold, sell, etc., land required for a housing project.

(2) At least two, or as many as may be required, duplicate originals of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where they shall be made available to the public as productions. Idem.

11. The provisions of this Act with respect to an official plan shall apply *mutatis mutandis* to alterations and additions thereto. Alterations and additions.

12. Notwithstanding any other Act, where an official plan is in effect, no public work that does not conform therewith shall be undertaken, except with the approval of a two-thirds affirmative vote of all the members of the council of the municipality in which the public work is to be undertaken. Public works to conform with official plan.

13. Where there is conflict between an official plan and a by-law passed under section 406 of *The Municipal Act*, the official plan shall prevail. Conflict. Rev. Stat., c. 266.

14. Where lands, buildings or structures are used or buildings or structures are located in contravention of the official plan or the official plan is contravened in any other manner, in addition to any other remedy or penalty provided by law, such contravention may be restrained by action at the instance of the planning board or a ratepayer of the municipality in which the contravention took place. Right to restrain.

15.—(1) For the purpose of developing any feature of the official plan a municipality, with the approval of the Minister, may at any time and from time to time,— Acquisition of lands for official plan purposes.

(a) acquire land within the municipality;

(b) hold land heretofore or hereafter acquired within the municipality; or

(c) sell, lease or otherwise dispose of land so acquired or held when no longer required.

(2) For the purpose of developing any feature of the official plan a designated municipality, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area, and in such case any municipality within the planning area may contribute to the cost of acquiring such land for such purpose. Acquisition of lands for purposes by designated municipalities.

16.—(1) For the purpose of a housing project a municipality, with the approval of the Minister, may,— Acquisition of lands for housing projects.

(a) acquire land within the municipality;

(b) hold land heretofore or hereafter acquired within the municipality; or

(c) sell, lease or otherwise dispose of land so acquired or held for a nominal or other consideration to any person or governmental authority having power to undertake housing projects.

Acquisition of lands in adjacent municipalities for housing projects.

(2) For the purpose of a housing project a municipality, with the approval of the council of the municipality in which the land is situate and the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land in any adjacent municipality.

Rev. Stat., c. 266, to apply.

17. The provisions of *The Municipal Act* shall apply to the acquisition of land under section 15 or 16.

Power to clear, grade, etc., lands acquired.

18. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Exchange of lands.

19. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Power to erect, etc., housing projects.

20. To relieve the existing emergency in housing conditions a municipality, with the approval of the Minister, may erect, maintain, manage and wind up projects for temporary housing accommodation either within or outside the municipality.

Power to share capital and maintenance cost of housing projects.

21. A municipality, with the approval of the Minister may enter into agreements with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of housing projects.

Agreements to maintain land uses surrounding housing projects.

22. A municipality, with the approval of the Minister, may enter into an agreement with any person or governmental authority undertaking a housing project to provide that certain specified uses of land in a specified area surrounding the project will be maintained for the period specified in the agreement.

Urban development areas.

23.—(1) The council may by by-law designate any area within the municipality as an urban development area and thereupon no parcel of land within the area shall be divided for sale or sold in part or agreed to be sold in part unless the land is shown on a registered plan of subdivision.

SECTION 19. This section provides that lands owned by the municipality may be exchanged for other lands required for the purpose of developing any feature of the official plan or for a housing project.

SECTION 20. This section is required in order to legalize housing projects now under way or contemplated.

SECTION 22. This section is necessary in order that the use of land surrounding a housing project may be controlled.

SECTION 23. The purpose of this section is to require that lands in defined areas shall be sold only by proper descriptions.

SECTION 24. This section is designed particularly for areas in un-organized territory or in municipalities that do not exercise the permissive powers of section 406 of *The Municipal Act*, under which the use of lands and buildings and the location of buildings may be restricted and will enable the Minister to zone such areas in a way that will ensure their proper development.

SECTION 25. This section sets out the procedures leading to the approval and registration of plans of subdivision.

(2) At least two, or as many as may be required, certified copies of the by-law shall be lodged in the office of the Minister where the same shall be available for public inspection during office hours and in the proper registry office where the same shall be made available to the public as productions. Lodging of copies of urban development area by-laws.

(3) When an area is designated as an urban development area it shall not be altered or dissolved without the approval of the Minister. Approval of Minister to alteration, etc., of urban development areas.

(4) Every person who divides for sale, sells in part or agrees to sell in part land in contravention of this section shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 136.

24.—(1) The Minister, with respect to any land in Ontario that is not covered by an official plan or is not within the scope of a by-law passed under section 406 of *The Municipal Act*, may by Order,— Power of Minister to zone. Rev. Stat., c. 266.

(a) without the approval of the Ontario Municipal Board, exercise any of the powers conferred upon councils by the said section 406; or

(b) exercise the powers conferred upon councils by this Act to designate an urban development area.

(2) The Minister may give notice of any such order in such manner as he deems expedient. Notice.

25.—(1) Every person desiring to subdivide land into lots for the purpose of sale shall forward at least four, or as many as may be required, copies of a draft plan thereof drawn to scale together with an application for approval to the Minister and shall, unless the land is situate in unorganized territory, forward two copies of such plan,— Applications for approval of subdivision plans.

(a) where the land is not situate within a planning area, to the council of the municipality in which the land is situate;

(b) where the land is situate within a planning area, to the planning board; or

(c) where the land is situate within a subsidiary planning area, to each planning board.

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,— What draft plan to indicate.

- (a) the locations, widths and names of proposed highways;
- (b) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and where the adjoining land is not subdivided, the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (c) the purpose for which the lots are to be used;
- (d) the nature of the existing uses of adjoining land;
- (e) the approximate dimensions and layouts of the proposed lots;
- (f) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (g) the availability and nature of domestic water supplies;
- (h) the nature and porosity of the soil;
- (i) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land; and
- (j) the municipal services available or to be available to the land proposed to be subdivided.

Minister
to confer.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements.

What
matters to
be regarded.

(4) In considering a draft plan of subdivision regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following,—

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (b) whether the subdivision is premature or necessary in the public interest;

SECTION 27. This section is aimed at preventing fraudulent practices in the sale of lands by indefinite descriptions.

- (c) the suitability of the land for the purposes for which it is being subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services; and
- (i) the area of land, if any, within the subdivision that, exclusive of highways, is to be dedicated for public purposes.

(5) Upon settlement of the draft plan, the Minister may give his approval thereto. Approval of draft plan by Minister.

(6) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act*, *The Registry Act* or *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor. When draft plan approved. Rev. Stat., cc. 232, 170, 174.

(7) Upon presentation by the person desiring to subdivide the Minister may, if satisfied that the plan is in conformity with the approved draft plan, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration. Approval of plan by Minister.

(8) A true copy of every plan of subdivision as registered shall be lodged by the person who tendered it for registration in the office of the Minister, and when the land subdivided is in a planning area, with the secretary-treasurer of the planning board. Lodging of copies.

26. Every lot laid out on a plan of subdivision shall front or abut on a public highway. Lots to front or abut highways.

27. Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*. Penalty for certain land sales. Rev. Stat., c. 136.

Reference
to Municipal
Board.

28. Where under this Act the approval of the Minister is required, the Minister may, and upon application therefor shall, refer the matter to the Ontario Municipal Board in which case the approval of the Board shall have the same force and effect as if it were the approval of the Minister.

Rev. Stat.,
c. 270,—
repealed,—
prospective
effect.

Proviso.

29. The urban zones under *The Planning and Development Act* shall remain subject to the provisions of the said Act for a period of one year from the day upon which this Act comes into force, provided that if during such year any part of an urban zone is brought within a planning area, the said Act shall cease to apply to such zone and provided that during such year the provisions of this Act with respect to subdivision plans shall apply whether or not the land subdivided is in an urban zone, but in all other respects *The Planning and Development Act* shall cease to have any force or effect from the day on which this Act comes into force and shall be repealed one year after such day.

Commence-
ment of Act.

30. This Act shall come into force on the day upon which it receives the Royal Assent and the provisions thereof with respect to housing projects shall be deemed to have come into effect on the 1st day of January, 1942.

Short title.

31. This Act may be cited as *The Planning Act, 1946*.

SECTION 28. Under this section the Minister may delegate to the Municipal Board any matter that comes before him for approval under this Act and where an application therefor is made to the Minister, he shall refer the matter to the Board.

SECTION 29. This section provides for the orderly repeal of *The Planning and Development Act* now in force.

SECTION 30. The sections of the Bill having to do with housing projects are made retroactive to January 1st, 1942, in order to legalize such undertakings commenced since that date.

PLC
An Act respecting Planning and
Development.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

MR. PORTER

(Reprinted as amended in Committee of the
Whole House.)

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting Planning and Development.

MR. PORTER

BILL

An Act respecting Planning and Development.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "council" shall mean council of a municipality or "council"; board of trustees of an improvement district;
- (b) "designated municipality" shall mean municipality "designated
designated by the Minister to formulate the official munici-
plan; pality";
- (c) "housing project" shall mean a project designed to "housing
furnish housing accommodation together with any project";
public space, recreational facilities and commercial
space or buildings appropriate thereto;
- (d) "local board" shall mean school board, public utility "local
commission, transportation commission, public lib- board";
rary board, board of park management, board of
health, board of commissioners of police and any
other board, commission, committee, body or local
authority established or exercising any power or
authority under any general or special Act with
respect to any of the affairs or purposes of a munici-
pality or of two or more municipalities or portions
thereof;
- (e) "Minister" shall mean Minister of Planning and "Minister"
Development;
- (f) "municipality" shall mean city, town, village, town- "munici-
ship or improvement district; pality";
- (g) "official plan" shall mean a plan consisting of maps "official
and explanatory texts prepared and recommended plan";
by the planning board and adopted and approved

as provided in this Act, covering a planning area, and showing a programme of future development, including the regulation of the use of land, buildings and structures or the location of buildings and structures in the planning area and any other feature designed to secure the health, safety, convenience and welfare of the inhabitants;

"planning area";

(h) "planning area" shall mean an area comprising the whole or part of one or more municipalities as defined by the Minister;

"public work";

(i) "public work" shall mean any municipal undertaking or improvement of a structural nature that is within the jurisdiction of the council or any local board;

"urban development area".

(j) "urban development area" shall mean an area of land designated for urban development.

Establishment of planning areas.

2.—(1) Where a council is desirous of having an official plan, it shall make application to the Minister who may define and name a planning area.

Idem.

(2) Where the planning area covers more than one municipality, the Minister shall designate the municipality that shall formulate the official plan, and the scope and general purpose thereof.

Subsidiary planning areas.

(3) Where the council of a municipality within a planning area is desirous of having an official plan for local purposes, the Minister may define a subsidiary planning area.

Matters to be regarded.

(4) In defining the scope and general purpose of the official plan the Minister shall have regard among other matters to the requirements of the planning area for drainage, land uses, communications and public services.

Appointment of planning boards.

3. When the planning area is defined, the council shall appoint the planning board, and where the planning area covers more than one municipality, the council of the designated municipality shall, subject to the approval of the Minister, appoint the planning board.

Composition of planning boards.

4.—(1) Where the planning area consists of more than one municipality, the planning board shall be a body corporate consisting of three, six or nine members, a majority of whom shall not be members of a municipal council, and the head of the council of the designated municipality may be appointed as a member *ex officio*.

Idem.

(2) Where the planning area consists of one municipality only, the planning board shall be a body corporate consisting

of three, six or nine members who are not members of the council or employees of the municipality or a local board, and in addition there may be one member appointed from year to year from the council for every three members appointed as aforesaid, and the head of the council may be appointed from year to year as a member *ex officio*.

(3) Where the head of the council is a member of the planning board, he may with the approval of the council appoint a substitute to act for him from time to time. Substitute for head of council.

(4) The members of the planning board who are not members of a municipal council shall hold office for three years, provided that on the first appointment the council shall designate one-third of the members who shall hold office for one year and one-third who shall hold office for two years and one-third who shall hold office for three years. Term of office. Proviso.

(5) The members of the planning board shall hold office until their successors are appointed and shall be eligible for re-appointment. Re-appointment

(6) Where a member ceases to be a member of the planning board before the expiration of his term, the council shall appoint another eligible person for the unexpired portion of the term. Vacancies.

(7) Two members or one-third of the members of the planning board, whichever is greater, shall constitute a quorum. Quorum.

(8) The planning board shall elect a chairman and a vice-chairman, who shall preside in the absence of the chairman. Officers.

(9) The planning board shall appoint a secretary-treasurer, who may be a member of the board, and may engage such employees and consultants as is deemed expedient. Secretary-treasurer, employees, consultants.

5. The execution of documents by the planning board shall be evidenced by the signature of the chairman or the vice-chairman and of the secretary-treasurer and the corporate seal of the board. Execution of documents.

6. The planning board shall submit annually to the council an estimate of its expenditures for the ensuing year and the council may amend such estimate and shall pay to the secretary-treasurer of the board out of the moneys appropriated for the board such amounts as may be requisitioned from time to time. Finances.

7. The planning board shall investigate and survey the physical, social and economic conditions in relation to the Duties of planning boards.

development of the planning area and perform such other duties of a planning nature as may be referred to it by the council, and without limiting the generality of the foregoing it shall,—

- (a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the planning area;
- (b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the planning area in determining the solution of problems or matters affecting the development of the planning area;
- (c) consult with any local board having jurisdiction within the planning area;
- (d) prepare a plan of the planning area and recommend it to the council for adoption;
- (e) recommend from time to time to the council the implementation of any of the features of the official plan.

Plan to be submitted to council.

8.—(1) The plan as finally prepared and recommended by the planning board shall be submitted to the council.

Adoption of plan.

(2) The council may adopt the plan by a vote of the majority of all the members.

Plan to be submitted to Minister.

9.—(1) Upon adoption the plan shall be submitted by the council to the Minister who may refer the plan to any department of the public service of Ontario that may be concerned therewith and to The Hydro-Electric Power Commission of Ontario, and where the planning area consists of more than one municipality, the Minister shall refer the plan to the council of every municipality in the planning area, and if modifications appear desirable, settle such modifications as far as possible to the satisfaction of all concerned and cause the plan to be amended accordingly.

Approval by Minister.

(2) The Minister may then approve the plan, whereupon it shall be the official plan of the planning area.

Lodging of official plan

10.—(1) At least two, or as many as may be required, certified copies of the official plan shall be lodged by the board in the office of the Minister and in the office of the clerk of every municipality within the planning area, and shall be available at such places for public inspection during office hours.

(2) At least two, or as many as may be required, duplicate Idem. originals of the official plan shall be lodged by the planning board in every registry office of lands within the planning area, where they shall be made available to the public as productions.

11. The provisions of this Act with respect to an official Alterations and additions. plan shall apply *mutatis mutandis* to alterations and additions thereto.

12. Notwithstanding any other Act, where an official plan Public works to conform with official plan. is in effect, no public work that does not conform therewith shall be undertaken, except with the approval of a two-thirds affirmative vote of all the members of the council of the municipality in which the public work is to be undertaken.

13. Where there is conflict between an official plan and a Conflict. by-law passed under section 406 of *The Municipal Act*, the Rev. Stat., c. 266. official plan shall prevail.

14. Where lands, buildings or structures are used or Right to restrain. buildings or structures are located in contravention of the official plan or the official plan is contravened in any other manner, in addition to any other remedy or penalty provided by law, such contravention may be restrained by action at the instance of the planning board or a ratepayer of the municipality in which the contravention took place.

15.—(1) For the purpose of developing any feature of the Acquisition of lands for official plan purposes. official plan a municipality, with the approval of the Minister, may at any time and from time to time,—

- (a) acquire land within the municipality;
- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held when no longer required.

(2) For the purpose of developing any feature of the Acquisition of lands for official plan purposes by designated municipalities. official plan a designated municipality, with the approval of the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land within the planning area, and in such case any municipality within the planning area may contribute to the cost of acquiring such land for such purpose.

16.—(1) For the purpose of a housing project a municipi- Acquisition of lands for housing projects. pality, with the approval of the Minister, may,—

- (a) acquire land within the municipality;

- (b) hold land heretofore or hereafter acquired within the municipality; or
- (c) sell, lease or otherwise dispose of land so acquired or held for a nominal or other consideration to any person or governmental authority having power to undertake housing projects.

Acquisition of lands in adjacent municipalities for housing projects.

(2) For the purpose of a housing project a municipality, with the approval of the council of the municipality in which the land is situate and the Minister, may exercise any of the powers mentioned in subsection 1 in respect of land in any adjacent municipality.

Rev. Stat., c. 266, to apply.

17. The provisions of *The Municipal Act* shall apply to the acquisition of land under section 15 or 16.

Power to clear, grade, etc., lands acquired.

18. When a municipality has acquired or holds lands for any purpose authorized by this Act, the municipality may clear, grade or otherwise prepare the land for the purpose for which it has been acquired or is held.

Exchange of lands.

19. When a municipality acquires land for any purpose authorized by this Act, the whole or partial consideration therefor may be land then owned by the municipality.

Power to erect, etc., housing projects.

20. To relieve the existing emergency in housing conditions a municipality, with the approval of the Minister, may erect, maintain, manage and wind up projects for temporary housing accommodation either within or outside the municipality.

Power to share capital and maintenance cost of housing projects.

21. A municipality, with the approval of the Minister may enter into agreements with any person or governmental authority for sharing or contributing to the capital cost or the maintenance cost of housing projects.

Agreements to maintain land uses surrounding housing projects.

22. A municipality, with the approval of the Minister, may enter into an agreement with any person or governmental authority undertaking a housing project to provide that certain specified uses of land in a specified area surrounding the project will be maintained for the period specified in the agreement.

Urban development areas.

23.—(1) The council may by by-law designate any area within the municipality as an urban development area and thereupon no parcel of land within the area shall be divided for sale or sold in part or agreed to be sold in part unless the land is shown on a registered plan of subdivision.

(2) At least two, or as many as may be required, certified copies of the by-law shall be lodged in the office of the Minister where the same shall be available for public inspection during office hours and in the proper registry office where the same shall be made available to the public as productions. Lodging of copies of urban development area by-laws.

(3) When an area is designated as an urban development area it shall not be altered or dissolved without the approval of the Minister. Approval of Minister to alteration, etc., of urban development areas.

(4) Every person who divides for sale, sells in part or agrees to sell in part land in contravention of this section shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*. Penalty. Rev. Stat., c. 136.

24.—(1) The Minister, with respect to any land in Ontario that is not covered by an official plan or is not within the scope of a by-law passed under section 406 of *The Municipal Act*, may by Order,— Power of Minister to zone. Rev. Stat., c. 266.

(a) without the approval of the Ontario Municipal Board, exercise any of the powers conferred upon councils by the said section 406; or

(b) exercise the powers conferred upon councils by this Act to designate an urban development area.

(2) The Minister may give notice of any such order in such manner as he deems expedient. Notice.

25.—(1) Every person desiring to subdivide land into lots for the purpose of sale shall forward at least four, or as many as may be required, copies of a draft plan thereof drawn to scale together with an application for approval to the Minister and shall, unless the land is situate in unorganized territory, forward two copies of such plan,— Applications for approval of subdivision plans.

(a) where the land is not situate within a planning area, to the council of the municipality in which the land is situate;

(b) where the land is situate within a planning area, to the planning board; or

(c) where the land is situate within a subsidiary planning area, to each planning board.

(2) The draft plan shall show the boundaries of the land to be subdivided, certified by an Ontario land surveyor, and shall indicate,— What draft plan to indicate.

- (a) the locations, widths and names of proposed highways;
- (b) every adjoining subdivision and the relationship thereto of the lands proposed to be subdivided, and where the adjoining land is not subdivided, the relationship of the boundaries of the land to be subdivided to the boundaries of the township lot or other original grant of which such land forms the whole or part;
- (c) the purpose for which the lots are to be used;
- (d) the nature of the existing uses of adjoining land;
- (e) the approximate dimensions and layouts of the proposed lots;
- (f) natural and artificial features such as buildings, railways, highways, watercourses, drainage ditches, swamps and wooded areas within or adjacent to the land proposed to be subdivided;
- (g) the availability and nature of domestic water supplies;
- (h) the nature and porosity of the soil;
- (i) such contours or elevations as may be required to determine the grade of the highways and the drainage of the land; and
- (j) the municipal services available or to be available to the land proposed to be subdivided.

Minister
to confer.

(3) The Minister may then confer with officials of municipalities and departments of the public service, commissions, authorities and any others who may be concerned and shall settle a draft plan that, in his opinion, will meet all requirements.

What
matters to
be regarded.

(4) In considering a draft plan of subdivision regard shall be had, among other matters, to the health, safety, convenience and welfare of the future inhabitants and to the following,—

- (a) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (b) whether the subdivision is premature or necessary in the public interest;

- (c) the suitability of the land for the purposes for which it is being subdivided;
- (d) the number, width, location and proposed grades and elevations of highways, and the adequacy thereof;
- (e) the dimensions and shape of the lots;
- (f) the restrictions or proposed restrictions, if any, on the land, buildings and structures proposed to be erected thereon and the restrictions, if any, on adjoining lands;
- (g) conservation of natural resources and flood control;
- (h) the adequacy of utilities and municipal services; and
- (i) the area of land, if any, within the subdivision that, exclusive of highways, is to be dedicated for public purposes.

(5) Upon settlement of the draft plan, the Minister may give his approval thereto.

Approval
of draft
plan by
Minister.

(6) When the draft plan is approved, the person desiring to subdivide may proceed to lay down the highways and lots upon the ground in accordance with *The Surveys Act*, *The Registry Act* or *The Land Titles Act*, as the case may be, and to prepare a plan accordingly certified by an Ontario land surveyor.

When draft
plan
approved.
Rev. Stat.,
cc. 232,
170, 174.

(7) Upon presentation by the person desiring to subdivide the Minister may, if satisfied that the plan is in conformity with the approved draft plan, approve the plan of subdivision and thereupon the plan of subdivision may be tendered for registration.

Approval o
f plan by
Minister.

(8) A true copy of every plan of subdivision as registered shall be lodged by the person who tendered it for registration in the office of the Minister, and when the land subdivided is in a planning area, with the secretary-treasurer of the planning board.

Lodging of
copies.

26. Every lot laid out on a plan of subdivision shall front or abut on a public highway.

Lots to
front or abut
highways.

27. Every person who subdivides and offers for sale, agrees to sell or sells land by a description in accordance with an unregistered plan of subdivision shall be guilty of an offence and liable to a penalty of not more than \$500, recoverable under *The Summary Convictions Act*.

Penalty
for certain
land sales.

Rev. Stat.,
c. 136.

Reference
to Municipal
Board.

28. Where under this Act the approval of the Minister is required, the Minister may, and upon application therefor shall, refer the matter to the Ontario Municipal Board in which case the approval of the Board shall have the same force and effect as if it were the approval of the Minister.

Rev. Stat.,
c. 270,
repealed,—
prospective
effect.

Proviso.

29. The urban zones under *The Planning and Development Act* shall remain subject to the provisions of the said Act for a period of one year from the day upon which this Act comes into force, provided that if during such year any part of an urban zone is brought within a planning area, the said Act shall cease to apply to such zone and provided that during such year the provisions of this Act with respect to subdivision plans shall apply whether or not the land subdivided is in an urban zone, but in all other respects *The Planning and Development Act* shall cease to have any force or effect from the day on which this Act comes into force and shall be repealed one year after such day.

Commence-
ment of Act.

30. This Act shall come into force on the day upon which it receives the Royal Assent and the provisions thereof with respect to housing projects shall be deemed to have come into effect on the 1st day of January, 1942.

Short title.

31. This Act may be cited as *The Planning Act, 1946*.

BILL

An Act respecting Planning and
Development.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 26th, 1946

Mr. PORTER

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

EXPLANATORY NOTE

SECTION 1. This section provides that medical aid as well as compensation shall be payable by the employer individually.

SECTION 2. So that medical aid as well as compensation may be paid promptly, this section provides that the Board may require deposits from Schedule 2 employers for that purpose.

SECTION 3. Under the present Act medical aid is to be furnished or arranged for by the Board only in the case of Schedule 1 industries. The amendment to subsection 3 of section 50 provides that medical aid shall be furnished or provided by the Board in the case of Schedule 2 industries as well. Accordingly subsections 4 and 8 of section 50 of the Act become unnecessary and subsection 6 of the said section 50 is amended.

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Workmen's Compensation Act* is amended Rev. Stat. c. 204, s. 3 amended. by striking out the words "the compensation" in the second and third lines and inserting in lieu thereof the words "compensation and medical aid", so that the said section shall now read as follows:

3. Employers in the industries for the time being included Employers individually liable. in Schedule 2 shall be liable individually to pay compensation and medical aid.

2. Section 32 of *The Workmen's Compensation Act* is Rev. Stat. c. 204, s. 3 amended. amended by inserting after the word "compensation" in the fourth line the words "and medical aid", so that the said section shall now read as follows:

32. The Board, where it deems it requisite for the prompt Requiring deposits by employers Schedule 2 payment of claims, may require any employer in Schedule 2 to make deposits of money with the Board from time to time, out of which the Board may pay compensation and medical aid for accidents to workmen of such employer as they occur.

3.—(1) Subsection 3 of Section 50 of *The Workmen's Compensation Act* is repealed and the following substituted Rev. Stat. c. 204, s. 5 subs. 3, re-enacted therefor:

(3) Medical aid shall be furnished or arranged for by Payment for medical aid. the Board or as it may direct or approve and

(a) in the industries in Schedule 1 shall be paid for out of the accident fund and the necessary amount shall be included in the assessments levied upon the employers; and

- (b) in the industries in Schedule 2 the amount shall be paid by the employer of the injured workman to the Board for payment.

Rev. Stat.,
c. 204, s. 50,
subs. 4, 8,
repealed.

- (2) Subsections 4 and 8 of the said section 50 are repealed.

Rev. Stat.,
c. 204, s. 50,
subs. 6,
amended.

- (3) Subsection 6 of the said section 50 is amended by striking out the words "except in the case of an employer individually liable and himself furnishing the medical aid" in the third, fourth and fifth lines, so that the said subsection shall now read as follows:

Amount of
charges.

- (6) The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the workman if himself paying the bill and the amount thereof shall be fixed and determined by the Board, and no action for any amount larger than that fixed by the Board shall lie in respect of any medical aid herein provided for.

Rev. Stat.,
c. 204, s. 72,
amended.

4. Section 72 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" wherever it appears in the section the words "or medical aid", so that the said section shall now read as follows:

Enforcement
of orders of
Board.

72. An order of the Board for the payment of compensation or medical aid by an employer who is individually liable to pay the compensation or medical aid or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the secretary to be a true copy may be filed with the clerk of any county or district court and when so filed shall become an order of that court and may be enforced as a judgment of the court.

Rev. Stat.,
c. 204, s. 115,
subs. 1,
amended.

5. Subsection 1 of section 115 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 4 of *The Workmen's Compensation Amendment Act, 1942*, is further amended by inserting after the word "mentioned" in the eleventh line the words "or contained in the regulations", so that the said subsection shall now read as follows:

Certain
industrial
diseases to
be deemed
accidents.

- (1) Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the workman or his dependants shall be entitled to compensation as if the disease were a personal injury

SECTION 4. This amendment is complementary to section 1 of the Bill.

SECTION 5. The effect of this amendment is that diseases mentioned in the regulations will be subject to modification in the same manner as diseases mentioned in the Act.

by accident and the disablement were the happening of the accident, subject to the modifications hereinafter mentioned or contained in the regulations, unless at the time of entering into the employment he had wilfully and falsely represented himself in writing as not having previously suffered from the disease.

6. This Act shall come into force on the day upon which it receives the Royal Assent, but sections 1, 2, 3 and 4 shall apply only to accidents happening on or after the 1st day of July, 1946. Commencement of Act.

7. This Act may be cited as *The Workmen's Compensation Amendment Act, 1946*. Short title.

BILL

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 13th, 1946

2nd Reading

3rd Reading

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Workmen's Compensation Act.

MR. DALEY

BILL

An Act to amend The Workmen's Compensation Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Workmen's Compensation Act* is amended Rev. Stat., c. 204, s. 3, amended. by striking out the words "the compensation" in the second and third lines and inserting in lieu thereof the words "compensation and medical aid", so that the said section shall now read as follows:

3. Employers in the industries for the time being included Employers individually liable. in Schedule 2 shall be liable individually to pay compensation and medical aid.

2. Section 32 of *The Workmen's Compensation Act* is Rev. Stat., c. 204, s. 32, amended. amended by inserting after the word "compensation" in the fourth line the words "and medical aid", so that the said section shall now read as follows:

32. The Board, where it deems it requisite for the prompt Requiring deposits by employers in Schedule 2. payment of claims, may require any employer in Schedule 2 to make deposits of money with the Board from time to time, out of which the Board may pay compensation and medical aid for accidents to workmen of such employer as they occur.

3.—(1) Subsection 3 of Section 50 of *The Workmen's Compensation Act* is repealed and the following substituted Rev. Stat., c. 204, s. 50, subs. 3, re-enacted. therefor:

(3) Medical aid shall be furnished or arranged for by Payment for medical aid. the Board or as it may direct or approve and

(a) in the industries in Schedule 1 shall be paid for out of the accident fund and the necessary amount shall be included in the assessments levied upon the employers; and

- (b) in the industries in Schedule 2 the amount shall be paid by the employer of the injured workman to the Board for payment.

Rev. Stat.,
c. 204, s. 50,
subs. 4, 8,
repealed.

- (2) Subsections 4 and 8 of the said section 50 are repealed.

Rev. Stat.,
c. 204, s. 50,
subs. 6,
amended.

- (3) Subsection 6 of the said section 50 is amended by striking out the words "except in the case of an employer individually liable and himself furnishing the medical aid" in the third, fourth and fifth lines, so that the said subsection shall now read as follows:

Amount of
charges.

- (6) The fees or charges for such medical aid shall not be more than would be properly and reasonably charged to the workman if himself paying the bill and the amount thereof shall be fixed and determined by the Board, and no action for any amount larger than that fixed by the Board shall lie in respect of any medical aid herein provided for.

Rev. Stat.,
c. 204, s. 72,
amended.

4. Section 72 of *The Workmen's Compensation Act* is amended by inserting after the word "compensation" wherever it appears in the section the words "or medical aid", so that the said section shall now read as follows:

Enforcement
of orders of
Board.

72. An order of the Board for the payment of compensation or medical aid by an employer who is individually liable to pay the compensation or medical aid or any other order of the Board for the payment of money made under the authority of this Part, or a copy of any such order certified by the secretary to be a true copy may be filed with the clerk of any county or district court and when so filed shall become an order of that court and may be enforced as a judgment of the court.

Rev. Stat.,
c. 204, s. 115,
subs. 1,
amended.

5. Subsection 1 of section 115 of *The Workmen's Compensation Act*, as amended by subsection 1 of section 4 of *The Workmen's Compensation Amendment Act, 1942*, is further amended by inserting after the word "mentioned" in the eleventh line the words "or contained in the regulations", so that the said subsection shall now read as follows:

Certain
industrial
diseases to
be deemed
accidents.

- (1) Where a workman suffers from an industrial disease and is thereby disabled from earning full wages at the work at which he was employed or his death is caused by an industrial disease and the disease is due to the nature of any employment in which he was engaged, whether under one or more employments, the workman or his dependants shall be entitled to compensation as if the disease were a personal injury

by accident and the disablement were the happening of the accident, subject to the modifications herein-after mentioned or contained in the regulations, unless at the time of entering into the employment he had wilfully and falsely represented himself in writing as not having previously suffered from the disease.

6. This Act shall come into force on the day upon which it receives the Royal Assent, but sections 1, 2, 3 and 4 shall apply only to accidents happening on or after the 1st day of July, 1946. Commence-
ment of Act.

7. This Act may be cited as *The Workmen's Compensation Amendment Act, 1946.* Short title.

An Act to amend The Workmen's
Compensation Act.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. DALEY

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Academy of Medicine, Toronto.

MR. DOUCETT

EXPLANATORY NOTE

For many years the Academy's premises on Queen's Park Crescent have been tax free. These premises are now required for government purposes.

This Act will prevent the Academy's position from being prejudiced in respect of taxes by reason of the enforced move to new premises.

BILL

An Act respecting the Academy of Medicine,
Toronto.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of *The Assessment Act*, the property of the Academy of Medicine, Toronto, shall be exempt from taxation, except for local improvements, so long as the property is owned and occupied by and used for the purposes of the Academy. Exemption from taxation. Rev. Stat., c. 272.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had effect on and after the 1st day of January, 1946. Commencement of Act; retrospective effect.

3. This Act may be cited as *The Academy of Medicine, Toronto Act, 1946*. Short title.

An Act respecting the Academy of
Medicine, Toronto.

1st Reading

March 13th, 1946

2nd Reading

3rd Reading

Mr. DOUCETT

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Academy of Medicine, Toronto.

MR. DOUCETT

BILL

An Act respecting the Academy of Medicine, Toronto.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the provisions of *The Assessment Act*, Exemption from taxation. the property of the Academy of Medicine, Toronto, shall be exempt from taxation, except for local improvements, so long Rev. Stat., c. 272. as the property is owned and occupied by and used for the purposes of the Academy.

2. This Act shall come into force on the day upon which it receives the Royal Assent and shall be deemed to have had Commencement of Act; retrospective effect. effect on and after the 1st day of January, 1946.

3. This Act may be cited as *The Academy of Medicine, Toronto Act, 1946.* Short title.

An Act respecting the Academy of
Medicine, Toronto.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. DOUGLASS

No. 86

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Industrial Farms Act.

MR. DUNBAR

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

SECTIONS 1 and 3. The Act provides that the council of a county or of a city of not less than 50,000 may establish an industrial farm at its own expense, but in provisional judicial districts the farm may be established by the Lieutenant-Governor in Council at the expense of the province. These sections provide that the Lieutenant-Governor in Council may establish industrial farms not only in provisional judicial districts but anywhere in Ontario at the expense of the province.

SECTION 2. This section provides that by order-in-council an industrial farm established by the province shall become a common gaol for a county or district, or a combination of them, but no order can be made until a lock-up has been provided at the expense of the county or district or any combination of them for the temporary custody of the prisoners.

BILL

An Act to amend The Industrial Farms Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Industrial Farms Act* Rev. Stat. c. 387, s. 1 amended. is amended by striking out the words "in provisional judicial districts" in the first and second lines, and inserting in lieu thereof the words "anywhere in Ontario" so that the said subsection shall now read as follows:

(2) Industrial farms may be established anywhere in Anywhere Ontario by the Lieutenant-Governor in Council.

2. *The Industrial Farms Act* is amended by adding thereto Rev. Stat. c. 387, amended. the following section:

2a.—(1) The Lieutenant-Governor in Council may order Industrial farms may become common gaols. that from a day to be named in the order an industrial farm shall be the common gaol within the meaning of *The Gaols Act* of any counties or provisional judicial districts, or of any combination of Rev. Stat. c. 388. counties and provisional judicial districts.

(2) No order shall be made until the officer designated Condition precedent Order in Council. in accordance with subsection 1 of section 10 of *The Public Institutions Inspection Act* has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial or on remand in each county or district named in the order or in custody prior to the committal for trial, or pending their removal to the industrial farm, reformatory for Ontario, or penitentiary, has been provided in or near the county or district town. Rev. Stat. c. 380.

(3) The lock-up may be the building formerly used as Lock-up. the common gaol of the county or provisional judicial district or part thereof, or some other building

approval by the officer designated in subsection 2; and shall be established, equipped and maintained without cost to the Province.

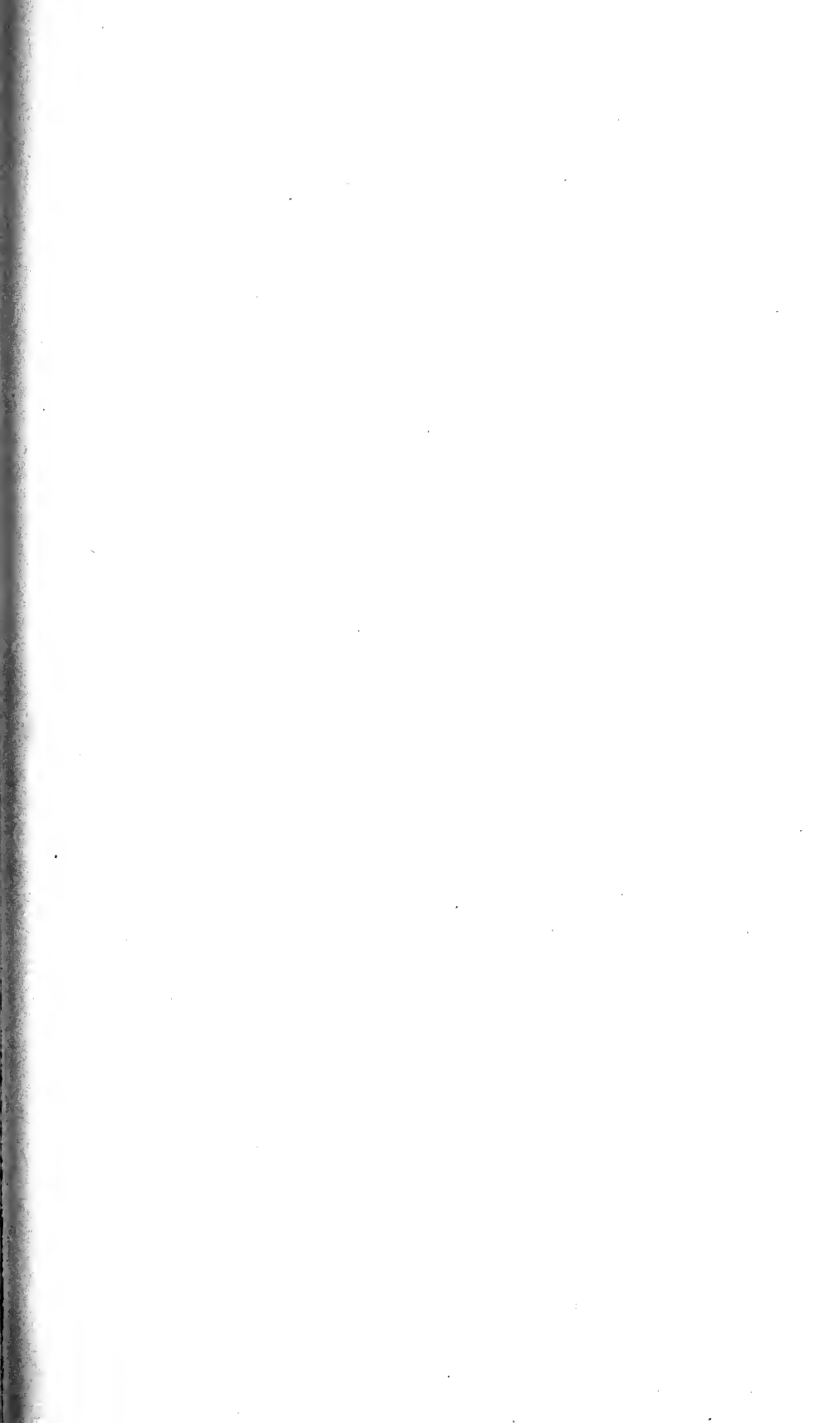
Rev. Stat.,
c. 387, s. 10,
subs. 3,
amended.

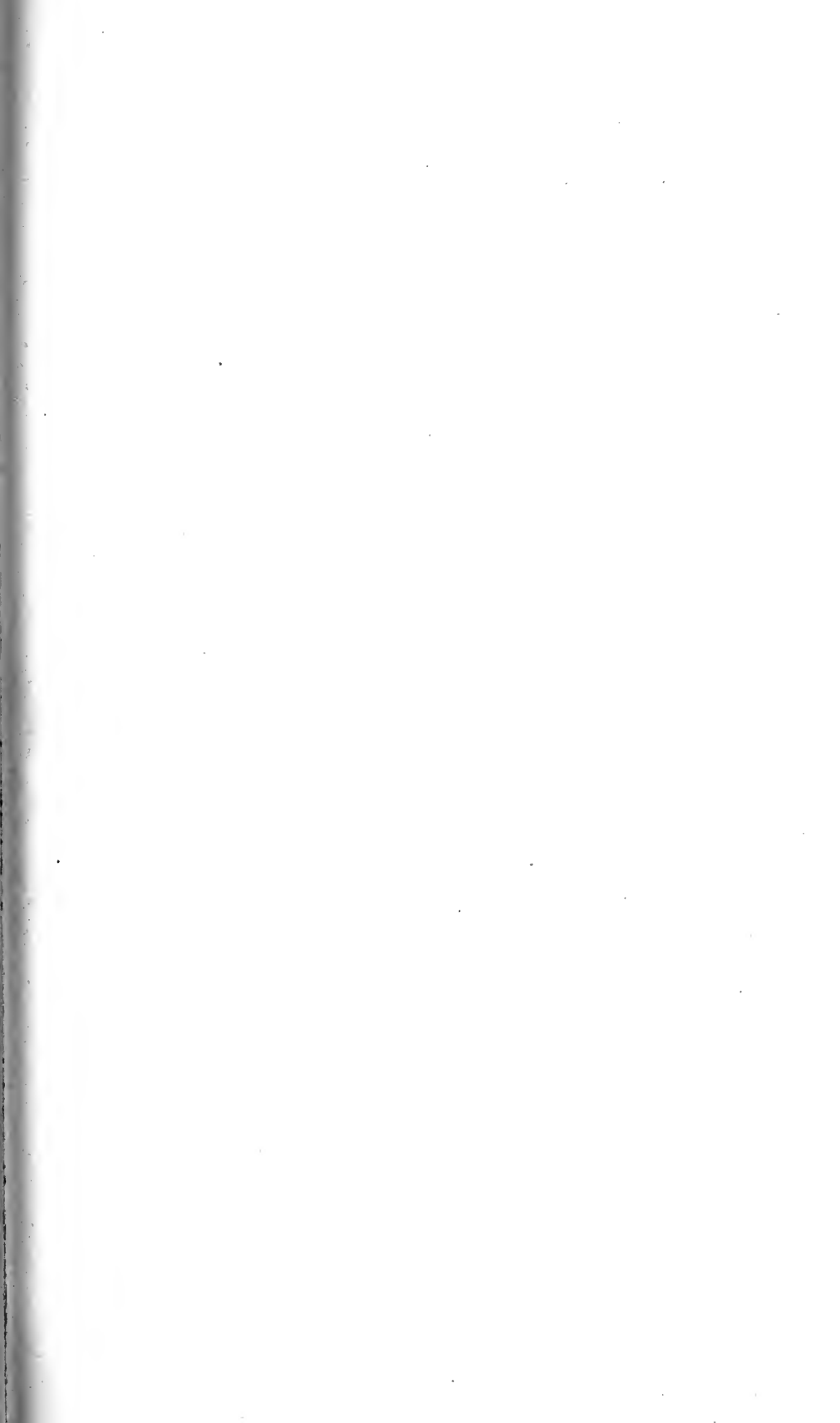
3. Subsection 3 of section 10 of *The Industrial Farms Act* is amended by striking out the words "in a provisional judicial district" in the second line so that the subsection shall now read as follows:

- (3) The cost of the establishment, equipment and maintenance of an industrial farm as referred to in subsection 2 of section 1 shall be borne and paid by the Province.

Short title.

4. This Act may be cited as *The Industrial Farms Amendment Act, 1946*.





BILL

An Act to amend The Industrial
Farms Act.

1st Reading

March 13th, 1946

2nd Reading

3rd Reading

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Industrial Farms Act.

MR. DUNBAR

BILL

An Act to amend The Industrial Farms Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Industrial Farms Act* is amended by striking out the words "in provisional judicial districts" in the first and second lines, and inserting in lieu thereof the words "anywhere in Ontario" so that the said subsection shall now read as follows: Rev. Stat., c. 387, s. 1, subs. 2, amended.

(2) Industrial farms may be established anywhere in Ontario by the Lieutenant-Governor in Council. Anywhere.

2. *The Industrial Farms Act* is amended by adding thereto the following section: Rev. Stat., c. 387, amended.

2a.—(1) The Lieutenant-Governor in Council may order that from a day to be named in the order an industrial farm shall be the common gaol within the meaning of *The Gaols Act* of any counties or provisional judicial districts, or of any combination of counties and provisional judicial districts. Industrial farms may become common gaols. Rev. Stat., c. 388.

(2) No order shall be made until the officer designated in accordance with subsection 1 of section 10 of *The Public Institutions Inspection Act* has reported that a sufficient lock-up for the safe custody of prisoners held or committed for trial or on remand in each county or district named in the order or in custody prior to the committal for trial, or pending their removal to the industrial farm, reformatory for Ontario, or penitentiary, has been provided in or near the county or district town. Condition precedent to Order in Council. Rev. Stat., c. 380.

(3) The lock-up may be the building formerly used as the common gaol of the county or provisional judicial district or part thereof, or some other building Lock-up.

approval by the officer designated in subsection 2; and shall be established, equipped and maintained without cost to the Province.

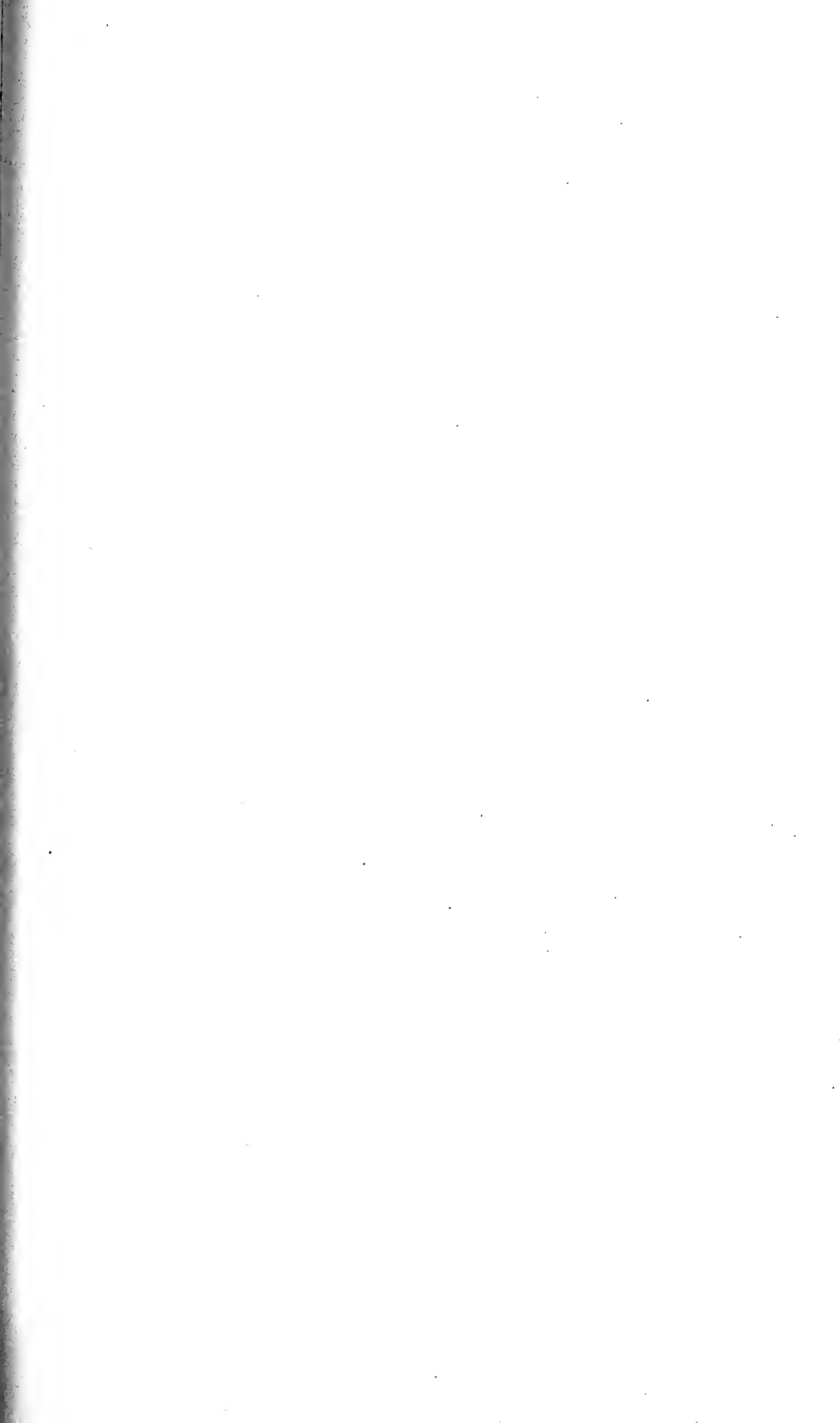
Rev. Stat.,
c. 387, s. 10,
subs. 3,
amended.

3. Subsection 3 of section 10 of *The Industrial Farms Act* is amended by striking out the words "in a provisional judicial district" in the second line so that the subsection shall now read as follows:

- (3) The cost of the establishment, equipment and maintenance of an industrial farm as referred to in subsection 2 of section 1 shall be borne and paid by the Province.

Short title.

4. This Act may be cited as *The Industrial Farms Amendment Act, 1946*.





BILL

An Act to amend 'The Industrial
Farms Act.

1st Reading

March 13th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. DUNBAR

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Executive Council Act.

MR. WELSH

EXPLANATORY NOTE

This is complementary to Bill No. 88, *An Act respecting the Department of Travel and Publicity* and Bill No. 89, *An Act respecting the Department of Reform Institutions*.

BILL

An Act to amend The Executive Council Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Executive Council Act* as amended by Rev. Stat., section 1 of *The Executive Council Amendment Act, 1944*, ^{c. 14, s. 2, amended.} is further amended by inserting after the word "Development" in the amendment of 1944, the words "a Minister of Travel and Publicity, a Minister of Reform Institutions", so that the said section shall now read as follows:

2. The Lieutenant-Governor may appoint under the ^{Heads of} Great Seal from among the Ministers of the Crown ^{depart-} the following Ministers to hold office during pleasure: a President of the Council, an Attorney-General, a Secretary and Registrar, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health, a Minister of Public Welfare, a Minister of Municipal Affairs, a Minister of Planning and Development, a Minister of Travel and Publicity, a Minister of Reform Institutions, and such other Ministers as he may see fit, and may by Order-in-Council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.

2. This Act shall come into force on the day upon which it ^{Commence-} receives the Royal Assent. ^{ment of Act.}

3. This Act may be cited as *The Executive Council Amend-* Short title. *ment Act, 1946.*

BILL

An Act to amend The Executive
Council Act.

1st Reading

March 14th, 1946

2nd Reading

3rd Reading

MR. WELSH

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act to amend The Executive Council Act.

MR. WELSH

BILL

An Act to amend The Executive Council Act.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Executive Council Act* as amended by Rev. Stat., c. 14, s. 2, amended. section 1 of *The Executive Council Amendment Act, 1944*, is further amended by inserting after the word "Development" in the amendment of 1944, the words "a Minister of Travel and Publicity, a Minister of Reform Institutions", so that the said section shall now read as follows:

2. The Lieutenant-Governor may appoint under the Great Seal from among the Ministers of the Crown the following Ministers to hold office during pleasure: a President of the Council, an Attorney-General, a Secretary and Registrar, a Treasurer, a Minister of Lands and Forests, a Minister of Mines, a Minister of Agriculture, a Minister of Public Works, a Minister of Highways, a Minister of Education, a Minister of Labour, a Minister of Health, a Minister of Public Welfare, a Minister of Municipal Affairs, a Minister of Planning and Development, a Minister of Travel and Publicity, a Minister of Reform Institutions, and such other Ministers as he may see fit, and may by Order-in-Council prescribe their duties and the duties of the several departments over which they preside, and of the officers and clerks thereof.

2. This Act shall come into force on the day upon which it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Executive Council Amendment Act, 1946*. Short title.

BILL

An Act to amend The Executive
Council Act.

1st Reading

March 14th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. WELSH

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Department of Travel and Publicity.

MR. DREW

EXPLANATORY NOTES

GENERAL. Bill No. 87, "An Act to amend The Executive Council Act", provides for the appointment of a Minister of Travel and Publicity. This Bill prescribes the functions of the Department and other matters incidental thereto. Bill No. 90, "An Act respecting the Regulation of Tourist Camps" will be administered by the Department of Travel and Publicity.

SECTIONS 1, 2, 3, 4 and 5. These sections are all self-explanatory.

SECTION 6. This section provides for the making of investigations and inquiries into matters relating to the objects of the Department.

BILL

An Act respecting the Department of Travel and Publicity.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpre-
tation,—

1. In this Act,—

- (a) "Department" shall mean Department of Travel and Publicity; "Depart-
ment";
- (b) "Minister" shall mean Minister of Travel and Publicity; and "Minister";
- (c) "regulations" shall mean regulations made under the authority of this Act. "regula-
tions".

2. There shall be a department of the public service of Ontario to be known as the Department of Travel and Publicity over which the Minister shall preside and have charge. Department
of Travel
and Pub-
licity.

3. The objects of the Department shall be to develop the tourist industry in Ontario by encouraging and promoting improvement in the standards of accommodation, facilities and services offered to tourists and to undertake the publicizing of the tourist industry and of the resources, attractions and advantages of Ontario. Purpose of
Department.

4. The Minister shall be responsible for the administration of such Acts and regulations made thereunder as may be assigned to him by the provisions thereof or by the Lieutenant-Governor in Council. Responsi-
bility of
Minister.

5. The expenses of the Department in carrying out its objects shall be paid out of such moneys as may be appropriated by the Legislature. Expenses of
Department.

6. The Minister may direct any officer of the Department or any other person to investigate, inquire into and report to Investiga-
tion and
inquiry.

him upon any matter connected with or affecting the tourist industry including accommodation, facilities or services offered to tourists, or the advertising or publicizing thereof or of the resources, attractions or advantages of Ontario and for the purposes of the investigation and inquiry such officer or other person shall have all the powers and authority which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Regula-
tions.

7. The Lieutenant-Governor in Council may make regulations regulating the form and contents of all or any class of advertising matter relating to hotels, summer resorts, fishing, hunting, travel, vacationing or other accommodation or facilities for tourists.

Distribu-
tion of
advertising
matter.

8. No person shall distribute within or send from Ontario any advertising matter relating to hotels, summer resorts, fishing, hunting, travel, vacationing or other accommodation or facilities for tourists which does not comply with the requirements of the regulations.

Penalty.

9.—(1) Every person who violates any of the provisions of this Act or the regulations shall be liable to a penalty of not exceeding \$100.

Recovery of
penalty.
Rev. Stat.,
c. 136.

(2) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Department of Travel and Publicity Act, 1946*.

SECTION 7. This section provides for the making of regulations regulating the form of standards of advertising matter relating to matters coming under the jurisdiction of the Department.

SECTION 8. In effect this section is complementary to section 7 and prohibits the distribution within or the sending from Ontario of advertising matter which offends against the provisions of the regulations.

SECTIONS 9, 10 and 11. These sections are self-explanatory.



BILL

An Act respecting the Department of
Travel and Publicity.

1st Reading

March 14th, 1946

2nd Reading

3rd Reading

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Department of Travel and Publicity.

MR. DREW

BILL

An Act respecting the Department of Travel and Publicity.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Department" shall mean Department of Travel and Publicity; "Department";
- (b) "Minister" shall mean Minister of Travel and Publicity; and "Minister";
- (c) "regulations" shall mean regulations made under the authority of this Act. "regulations";

2. There shall be a department of the public service of Ontario to be known as the Department of Travel and Publicity over which the Minister shall preside and have charge. Department
of Travel
and Pub-
licity.

3. The objects of the Department shall be to develop the tourist industry in Ontario by encouraging and promoting improvement in the standards of accommodation, facilities and services offered to tourists and to undertake the publicizing of the tourist industry and of the resources, attractions and advantages of Ontario. Purpose of
Department.

4. The Minister shall be responsible for the administration of such Acts and regulations made thereunder as may be assigned to him by the provisions thereof or by the Lieutenant-Governor in Council. Responsi-
bility of
Minister.

5. The expenses of the Department in carrying out its objects shall be paid out of such moneys as may be appropriated by the Legislature. Expenses of
Department.

6. The Minister may direct any officer of the Department or any other person to investigate, inquire into and report to Investiga-
tion and
inquiry.

him upon any matter connected with or affecting the tourist industry including accommodation, facilities or services offered to tourists, or the advertising or publicizing thereof or of the resources, attractions or advantages of Ontario and for the purposes of the investigation and inquiry such officer or other person shall have all the powers and authority which may be conferred upon a commissioner appointed under *The Public Inquiries Act*.

Rev. Stat.,
c. 19.

Regula-
tions.

7. The Lieutenant-Governor in Council may make regulations regulating the form and contents of all or any class of advertising matter relating to hotels, summer resorts, fishing, hunting, travel, vacationing or other accommodation or facilities for tourists.

Distribu-
tion of
advertising
matter.

8. No person shall distribute within or send from Ontario any advertising matter relating to hotels, summer resorts, fishing, hunting, travel, vacationing or other accommodation or facilities for tourists which does not comply with the requirements of the regulations.

Penalty.

9.—(1) Every person who violates any of the provisions of this Act or the regulations shall be liable to a penalty of not exceeding \$100.

Recovery of
penalty.
Rev. Stat.,
c. 136.

(2) The penalty imposed by this section shall be recoverable under *The Summary Convictions Act*.

Commence-
ment of Act.

10. This Act shall come into force on a day to be named by the Lieutenant Governor by his Proclamation.

Short title.

11. This Act may be cited as *The Department of Travel and Publicity Act, 1946*.

BILL

An Act respecting the Department of
Travel and Publicity.

1st Reading •

March 14th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

Mr. DREW

No. 89

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Department of Reform Institutions.

MR. DREW

EXPLANATORY NOTES

By Bill No. 87, "An Act to amend The Executive Council Act", provision is made for the appointment of a Minister of Reform Institutions. This Bill assigns the administration of the Acts enumerated in section 3 to his Department.

Section 5 clothes the Minister with certain powers respecting investigations.

The various provisions of the Bill are self-explanatory.

BILL

An Act respecting the Department of Reform Institutions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Department" shall mean Department of Reform Institutions; and "Depart-
ment";
- (b) "Minister" shall mean Minister of Reform Institutions. "Minister".

2. There shall be a department of the public service to be known as the Department of Reform Institutions over which the Minister shall preside and have charge. Department
of Reform
Institu-
tions.

3. The Minister shall be responsible for the administration of,— Acts to be
adminis-
tered.

- (a) *The Andrew Mercer Reformatory Act*;
- (b) *The Extramural Employment of Persons under Sentence Act*;
- (c) *The Female Patients and Prisoners Protection Act*;
- (d) *The Female Refuges Act*;
- (e) *The Gaols Act*;
- (f) *The Industrial Farms Act*;
- (g) *The Parole Act, 1946*;
- (h) *The Public Institutions Inspection Act*;
- (i) *The Reformatory Act*; and

(j) *The Training Schools Act*,

and the regulations thereunder and such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant-Governor in Council.

Expenses of
Department.

4. The expenses of the Department in carrying out its objects shall be paid out of such moneys as may be appropriated by the Legislature.

Powers of
investiga-
tion.

5. The Minister may direct any officer of the Department or any other person to investigate and inquire into and report to him upon any matter connected with or affecting,—

(a) any institution coming under his jurisdiction or supervision;

(b) the welfare of the inmates of any such institutions or of persons who are on parole pursuant to the provisions of *The Parole Act, 1946*; and

(c) the administration of the Department.

1946,
c. ...

Commence-
ment of Act.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as *The Department of Reform Institutions Act, 1946*.



BILL

An Act respecting the Department of
Reform Institutions.

1st Reading

March 14th, 1946

2nd Reading

3rd Reading

MR. DREW

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Department of Reform Institutions.

MR. DREW

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

BILL

An Act respecting the Department of Reform Institutions.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Department" shall mean Department of Reform Institutions; and "Department";
- (b) "Minister" shall mean Minister of Reform Institutions. "Minister".

2. There shall be a department of the public service to be known as the Department of Reform Institutions over which the Minister shall preside and have charge. Department of Reform Institutions.

3. The Minister shall be responsible for the administration of,— Acts to be administered.

- (a) *The Andrew Mercer Reformatory Act*;
- (b) *The Extramural Employment of Persons under Sentence Act*;
- (c) *The Female Patients and Prisoners Protection Act*;
- (d) *The Female Refugees Act*;
- (e) *The Gaols Act*;
- (f) *The Industrial Farms Act*;
- (g) *The Parole Act, 1946*;
- (h) *The Public Institutions Inspection Act*;
- (i) *The Reformatory Act*; and

(j) *The Training Schools Act,*

and the regulations thereunder and such other Acts and the regulations thereunder as may be assigned to him by the Lieutenant-Governor in Council.

Expenses of
Department.

4. The expenses of the Department in carrying out its objects shall be paid out of such moneys as may be appropriated by the Legislature.

Powers of
investigation.

5. The Minister may direct any officer of the Department or any other person to investigate and inquire into and report to him upon any matter connected with or affecting,—

(a) any institution coming under his jurisdiction or supervision;

(b) the welfare of the inmates of any such institutions or of persons who are on parole pursuant to the provisions of *The Parole Act, 1946*; and

(c) the administration of the Department.

1946,
c. ...

Commence-
ment of Act.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

7. This Act may be cited as *The Department of Reform Institutions Act, 1946*.





BILL

An Act respecting the Department of
Reform Institutions.

1st Reading

March 14th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. DREW

No. 90

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Regulation of Tourist Camps.

MR. WELSH

TORONTO
PRINTED BY T. E. BOWMAN
PRINTER TO THE KING'S MOST EXCELLENT MAJESTY

EXPLANATORY NOTES

GENERAL. The purpose of this Bill is to provide for the regulation of tourist camps including all matters relating thereto. The scheme of the Bill is that regulations will be prescribed by Order-in-Council and will constitute minimum standards to be observed throughout the Province or in such parts thereof as may be prescribed. Any local municipality may by by-law impose further requirements with respect to any of the standards which may be dealt with by the provincial regulations. The Province will be responsible for the licensing and inspection of tourist camps and the enforcement of the regulations throughout the Province except within the territorial limits of cities and towns where municipal authorities will be responsible for both licensing and inspection subject, however, to the right of the provincial authorities to conduct inspections of any camps that may be located within cities or towns. The official responsible for the inspection and licensing in cities and towns will make reports to the Minister as may be required.

The regulations may also provide for the classification of tourist camps according to prescribed standards and in such case may require a notice of the classification of each camp to be prominently displayed at the camp.

SECTION 1. The principal purpose of this section is to extend the meaning of the terms "camp", "tourist camp" and "trailer" in order that comprehensive and enforceable regulations may be passed under the authority of the Act.

BILL

An Act respecting the Regulations of Tourist Camps.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "cabin" shall include house, cottage, kitchen, office, administration building, apartment, room, lodge, hut, tent, storehouse, shop, canteen, wash-house, bath-house, water-closet, privy, and other structure for the accommodation of the owner, operator, manager, or employees of a tourist camp, or of the public at a tourist camp;
- (b) "Minister" shall mean Minister of Travel and Publicity;
- (c) "regulations" shall mean regulations passed under the authority of this Act;
- (d) "tourist camp" shall include auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and
- (e) "trailer" shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and shall include any such vehicle notwithstanding that its running gear is removed or that it is not resting upon its wheels, but shall not include any such vehicle unless it is used for living, sleeping or eating accommodation of persons.

2.—(1) The Lieutenant-Governor in Council may make regulations in respect of tourist camps,—

- (a) providing for the licensing thereof including the suspension and cancellation of licenses and prescribing the fees payable for licences and renewals thereof;
- (b) providing for the classification thereof according to standards required by the regulations and requiring the display in every tourist camp of notice of such classification;
- (c) providing for the inspection thereof including the powers and duties of inspectors and the designating of officials and employees of the government of Ontario and of municipal councils who shall be deemed to be inspectors;
- (d) prescribing ground plans including specifications governing the relative positions of and distances between the various buildings and facilities;
- (e) prescribing specifications governing the construction and size of cabins and the space and other requirements in respect of the location of cabins, the pitching of tents and the parking of vehicles and trailers;
- (f) prescribing cubic space requirements in respect of living and sleeping accommodation;
- (g) prescribing the maximum number of tourist camps or cabins, or both, in any defined area;
- (h) prescribing fire prevention and fire fighting precautions, measures and equipment which shall be taken and maintained;
- (i) requiring the maintaining by the operator of each tourist camp of a register of persons, motor vehicles and trailers using the tourist camp;
- (j) governing the manner in which the grounds, cabins, facilities and equipment of tourist camps shall be maintained, including rules respecting the cleaning, fumigating and sterilizing thereof;
- (k) prescribing requirements in respect of water closets and other sanitary facilities, water supply, plumbing, ventilation, heating, lighting, electrical equipment, food handling, disposal of garbage and other waste, and other matters pertaining to the health and welfare of persons using the tourist camp; and

SECTION 2—Subsection 1. This is the section of the Act which authorizes the making of regulations and the subject matter of the regulations is indicated in the various clauses of the subsection.

Subsection 2. Authorizes limitations in the scope of any regulations in the matter therein indicated.

SECTION 3. This is the section which provides that the provincial regulations will be regarded as minimum standards and authorizes further requirements to be prescribed by local municipalities.

SECTION 4. The licensing and inspection of tourist camps within cities and towns is dealt with in this section.

SECTION 5. This is the penalty section.

(1) prescribing rules to be observed by persons using tourist camps.

(2) The Lieutenant-Governor in Council may in such regulations provide that,— Application of regulations.

(a) any of the regulations shall apply only in defined portions of Ontario; and

(b) any of the regulations shall apply to tourist camps established before or after a specified date.

3. Regulations made pursuant to clauses *d* to *l* of subsection 1 of section 2 shall be regarded as minimum requirements and the council of a city, town, village or township may, by by-law, prescribe further requirements with regard to any of the matters therein enumerated. Regulation of camps by municipality.

4.—(1) The councils of cities and towns shall be responsible for the inspection of tourist camps within the territorial limits thereof and for the enforcement of the regulations and of any by-law passed under section 3, but inspection by any inspector designated by the Minister shall not thereby be precluded. Municipality to be responsible for inspection of camps.

(2) Where proceedings under *The Summary Convictions Act* in respect of a violation of the regulations or a by-law of a city or town passed under this Act are instituted by an official or employee of the city or town who is charged with enforcing or assisting in the enforcement of the regulations or by-law, any fine imposed as the result of such proceedings shall be payable to the corporation of the city or town. Fine payable to city or town. Rev. Stat., c. 136.

(3) The official of every city and town who is designated by the Minister shall make such reports upon the inspection and condition of tourist camps within the territorial limits of the municipality as the Minister may require. Report to Minister.

5.—(1) Every person who violates any of the provisions of the regulations or of a by-law passed pursuant to section 3 shall be guilty of an offence and liable to a penalty not exceeding \$100. Penalty.—

(2) The penalty provided by this section shall be recoverable under *The Summary Convictions Act*. recovery of. Rev. Stat., c. 136.

6. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

7. This Act may be cited as *The Tourist Camp Regulation Act, 1946*. Short title.

BILL

An Act respecting the Regulation of
Tourist Camps.

1st Reading

March 14th, 1946

2nd Reading

3rd Reading

MR. WELSH

2ND SESSION, 22ND LEGISLATURE, ONTARIO
10 GEORGE VI, 1946

BILL

An Act respecting the Regulation of Tourist Camps.

MR. WELSH

BILL

An Act respecting the Regulation of Tourist Camps.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "cabin" shall include house, cottage, kitchen, office, administration building, apartment, room, lodge, hut, tent, storehouse, shop, canteen, wash-house, bath-house, water-closet, privy, and other structure for the accommodation of the owner, operator, manager, or employees of a tourist camp, or of the public at a tourist camp;
- (b) "Minister" shall mean Minister of Travel and "Minister";
Publicity;
- (c) "regulations" shall mean regulations passed under the authority of this Act; "regulations";
- (d) "tourist camp" shall include auto camp and any parcel of land or premises equipped with cabins used or maintained for the accommodation of the public, and any parcel of land or premises used or maintained as a camping or parking ground for the public whether or not a fee or charge is paid or made for the rental or use thereof; and "tourist camp";
- (e) "trailer" shall mean any vehicle so constructed that it is suitable for being attached to a motor vehicle for the purpose of being drawn or propelled by the motor vehicle and shall include any such vehicle notwithstanding that its running gear is removed or that it is not resting upon its wheels, but shall not include any such vehicle unless it is used for living, sleeping or eating accommodation of persons. "trailer".

2.—(1) The Lieutenant-Governor in Council may make regulations in respect of tourist camps,—

- (a) providing for the licensing thereof including the suspension and cancellation of licenses and prescribing the fees payable for licences and renewals thereof;
- (b) providing for the classification thereof according to standards required by the regulations and requiring the display in every tourist camp of notice of such classification;
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- (e) prescribing specifications governing the construction and size of cabins and the space and other requirements in respect of the location of cabins, the pitching of tents and the parking of vehicles and trailers;
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- (h) prescribing fire prevention and fire fighting precautions, measures and equipment which shall be taken and maintained;
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- (k) prescribing requirements in respect of water closets and other sanitary facilities, water supply, plumbing, ventilation, heating, lighting, electrical equipment, food handling, disposal of garbage and other waste, and other matters pertaining to the health and welfare of persons using the tourist camp; and

(l) prescribing rules to be observed by persons using tourist camps.

(2) The Lieutenant-Governor in Council may in such regulations provide that,— Application of regulations.

(a) any of the regulations shall apply only in defined portions of Ontario; and

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BILL

An Act respecting the Regulation of
Tourist Camps.

1st Reading

March 14th, 1946

2nd Reading

March 21st, 1946

3rd Reading

March 27th, 1946

MR. WELSH



